

N° 3850.

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**BULGARIE ET ESPAGNE**

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

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**BULGARIA AND SPAIN**

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

<sup>1</sup>TRADUCTION. — TRANSLATION.

No. 3850. — TREATY <sup>2</sup> OF CONCILIATION, JUDICIAL SETTLEMENT AND ARBITRATION BETWEEN BULGARIA AND SPAIN. SIGNED AT SOFIA, JUNE 26TH, 1931.

*French official text communicated by the Spanish Envoy Extraordinary and Minister Plenipotentiary at Berne. The registration of this Treaty took place March 13th, 1936.*

THE PRESIDENT OF THE PROVISIONAL GOVERNMENT OF THE SPANISH REPUBLIC and HIS MAJESTY THE KING OF THE BULGARIANS, desiring to draw closer the ties of friendship existing between Spain and Bulgaria and to settle differences which may arise between the two countries according to the highest principles of public international law, have decided to conclude a Treaty for this purpose, and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE PROVISIONAL GOVERNMENT OF THE SPANISH REPUBLIC :

His Excellency Monsieur Juan ARREGUI DEL CAMPO, Envoy Extraordinary and Minister Plenipotentiary at Sofia ;

HIS MAJESTY THE KING OF THE BULGARIANS :

His Excellency Monsieur Athanasius D. BOUROFF, Minister for Foreign Affairs and Worship ;

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 to settle by peaceful means and in accordance with the methods laid down in the present Treaty all differences or disputes of any nature whatsoever which may arise between Spain and Bulgaria, and which it may not have been possible to settle by the normal methods of diplomacy.

PART I.

*Article 2.*

All disputes of any kind between the High Contracting Parties 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 the normal methods of diplomacy, shall be submitted for decision either to the Permanent Court of International Justice or to an arbitral tribunal.

<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, June 21st, 1935.

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

*Article 3.*

Before any resort is made to procedure before the Permanent Court of International Justice or the arbitral tribunal, 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 the subject of the dispute comes, according to the municipal law of one of the Parties, within the competence of its national courts, that Party may object to the dispute being submitted to the procedure laid down in the present Treaty until a final judgment has been pronounced within a reasonable time by the competent judicial authority.

*Article 5.*

The Permanent Conciliation Commission shall be composed of three members. Each Contracting Party shall nominate one Commissioner of its own choosing, the other, who shall be President of the Commission, being appointed jointly by the Parties. The latter may not be a national of either of the Contracting Parties, nor may he have his domicile in their territory or be in their service.

The Commissioners shall be appointed for three years. If on the expiration of the term of office of a member of the Commission he has not been replaced, his term of office shall be deemed to be renewed for a period of three years.

Any member whose term of office expires while proceedings are still in progress shall continue to take part in the investigation of the dispute until the close of such proceedings, even if his successor has been appointed.

A vacancy occurring as the result of the death or retirement of a member of the Conciliation Commission shall be filled for the remainder of the term of office of such member, if possible within the following three months and, in any case, as soon as a dispute is submitted to the Commission.

*Article 6.*

The Permanent Conciliation Commission shall be constituted within six months of the date when an application to this effect has been made by one Contracting Party to the other Party.

If the nomination of the President to be appointed jointly has not been made within this period, or in the case of the filling of a vacancy within three months after the vacancy occurs, such nomination shall be entrusted to the President in office of the Permanent Court of International Justice. If the latter is of the nationality of one of the Contracting Parties, the appointment of the President of the Conciliation Commission shall be entrusted first to the Vice-President and thereafter to the oldest member of the Court not a national of either Contracting Party.

*Article 7.*

The Permanent Conciliation Commission shall be informed by means of a request addressed to the President by both Parties acting jointly.

The request, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures to arrive at an amicable settlement.

*Article 8.*

Within fifteen days from the date on which the Commission has been informed of the dispute, either Party may, for the examination of such dispute, replace the permanent member whom it

has appointed by a person possessing special competence in the matter. The Party desiring to make use of this right shall immediately inform the other Party ; the latter shall be entitled to make use of the same right within fifteen days from the date on which it has received notification.

Each of the Parties reserves the right to appoint immediately a substitute to replace, for the time being, the permanent member appointed by it, if that member is temporarily prevented by illness or any other cause from taking part in the work of the Commission.

Should the President of the Conciliation Commission, jointly appointed by the Contracting Parties, be temporarily unable to take part in the work of the Commission through illness or any other cause, the Parties shall jointly appoint a substitute, who will sit temporarily in his place. If such substitute is not appointed within one month from the date on which the temporary vacancy occurs, the provisions of Article 6 of the present Treaty shall apply.

#### *Article 9.*

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 seem appropriate to it, and lay down a period within which they are to make their decision.

At the close of its 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 necessary, the terms of the agreement, or that it has been impossible to effect a settlement.

The proceedings of the Commission must, unless the Parties otherwise agree, be terminated within six months from the day on which the Commission was notified of the dispute.

If it has been found impossible to effect a settlement between the Parties, the Commission may, with the consent of the Parties, order the immediate publication of a report stating the opinion of each member of the Commission.

#### *Article 10.*

Failing any special provision to the contrary, the Conciliation Commission shall lay down its own procedure, which in any case must provide for the hearing of both Parties.

In regard to enquiries, the Commission shall, unless it unanimously decides otherwise, act in accordance with the provisions of Chapter III (International Commissions of Enquiry) of the Hague Convention<sup>1</sup> of October 18th, 1907, for the Pacific Settlement of International Disputes.

#### *Article 11.*

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

#### *Article 12.*

The proceedings of the 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.

#### *Article 13.*

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 useful should be heard.

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

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

*Article 14.*

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

*Article 15.*

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

*Article 16.*

During the proceedings of the Conciliation Commission, each Commissioner shall receive remuneration the amount of which shall be fixed by agreement between the Contracting Parties.

Each Government shall pay its own expenses and shall contribute an equal share to the joint expenses of the Commission, the remuneration provided for in the preceding paragraph  $\tau$  being included in these joint expenses.

*Article 17.*

Failing agreement to submit the dispute to the Permanent Conciliation Commission, or if agreement on this point has been reached but the Permanent Conciliation Commission has been unable to secure an amicable settlement, the dispute shall, by means of a special agreement, be submitted either to the Permanent Court of International Justice under the conditions and according to the procedure laid down in the Court's Statute<sup>1</sup>, or to an arbitral tribunal under the conditions and according to the procedure laid down in the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

If the special agreement has not been drawn up within three months from the day on which one of the Parties was notified of the request for judicial settlement, either Party may, on the expiry of one month's notice, bring the dispute direct before the Permanent Court of International Justice by means of an application.

PART II.

*Article 18.*

All questions on which the Governments of the two High Contracting Parties differ without being able to reach an amicable solution by the normal methods of diplomacy and the settlement of which cannot be sought by a decision as provided in Article 2 of the present Treaty, and for

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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. 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; Vol. CXXXIV, page 392; Vol. CXLVII, page 318; Vol. CLII, page 282; Vol. CLVI, page 176; Vol. CLX, page 325; and Vol. CLXIV, page 352, of this Series.

the settlement of which a procedure has not already been laid down in a treaty or convention in force between the Parties, shall be submitted to the Permanent Conciliation Commission.

The procedure laid down in Articles 7 to 16 of the present Treaty shall be applicable.

If the Parties cannot agree on the request to be made to the Commission, either Party shall nevertheless be entitled, on the expiry of one month's notice, to submit the question direct to the said Commission.

If the request emanates from one of the Parties only, that Party shall notify the request forthwith to the other.

#### Article 19.

If it has been found impossible to bring the Parties to an agreement, the dispute shall, at the request of one or other of the Parties, be submitted for decision to an arbitral tribunal having power to decide *ex æquo et bono*.

Unless otherwise agreed, the tribunal shall be composed of three members appointed in the manner laid down in Articles 5 and 6 of the present Treaty for the appointment of the Conciliation Commission. The tribunal must be set up within the six months following the request for arbitration.

The decision of the tribunal shall be binding on the Parties.

#### Article 20.

If a case for arbitration arises between the Contracting Parties, the latter undertake to conclude, within the six months following the request for arbitration, a special agreement concerning the subject of the dispute and the procedure to be followed.

If it has been found impossible to conclude this agreement within the time specified, either of the Parties shall have power to inform the tribunal by means of a simple request. In this case, the arbitral tribunal shall itself decide upon its procedure.

### GENERAL PROVISIONS.

#### Article 21.

During proceedings before the Conciliation Commission, the Permanent Court of International Justice or the arbitral tribunal, the Contracting Parties undertake to abstain from all measures likely to react prejudicially upon the acceptance of the Conciliation Commission's proposals or on the execution of the judgment of the Permanent Court of International Justice or the award of the arbitral tribunal. For this purpose, the Conciliation Commission, the Court of Justice and the arbitral tribunal shall give orders, if necessary, concerning provisional measures to be enforced.

#### Article 22.

Should the Permanent Court of International Justice or the arbitral tribunal find that a decision of a judicial authority or of any other authority of either Contracting Party 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 decision in question to be annulled by administrative action, the judicial decision or arbitral award should indicate the nature and extent of the satisfaction to be granted to the injured party.

#### Article 23.

Any dispute which may arise as to the interpretation or the execution of the present Treaty shall, in the absence of agreement to the contrary, be submitted direct to the Permanent Court of International Justice by means of a simple application.

*Article 24.*

The present Treaty shall be ratified by the President of the Provisional Government of the Spanish Republic and by His Majesty the King of the Bulgarians.

The instruments of ratification shall be exchanged at Sofia as soon as possible.

*Article 25.*

The present Treaty shall come into force on the date of the exchange of ratifications and shall remain in force for a period of five years. Unless denounced six months before the expiration of that period, it shall be deemed to be renewed for a period of five years, and similarly thereafter.

If, at the time of the expiration of the present Treaty, proceedings are pending before the Conciliation Commission, the Permanent Court of International Justice or an arbitral tribunal, such proceedings shall be continued until completed.

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

Done at Sofia, in duplicate, the 26th day of June, 1931.

Juan B. ARREGUI.

Athanasius D. BOUROFF.