

N° 2510.

GRÈCE ET ITALIE

Traité d'amitié, de conciliation et de
règlement judiciaire. Signé à Rome,
le 23 septembre 1928.

GREECE AND ITALY

Treaty of Friendship, Conciliation
and Judicial Settlement. Signed
at Rome, September 23, 1928.

¹ TRADUCTION. — TRANSLATION.No. 2510. — TREATY ² OF FRIENDSHIP, CONCILIATION AND JUDICIAL SETTLEMENT BETWEEN GREECE AND ITALY. SIGNED AT ROME, SEPTEMBER 23, 1928.

French official text communicated by the Permanent Delegate of Greece accredited to the League of Nations and the Italian Minister for Foreign Affairs. The registration of this Treaty took place November 1, 1930.

THE PRESIDENT OF THE HELLENIC REPUBLIC and HIS MAJESTY THE KING OF ITALY, having regard to the ties of sincere friendship and mutual confidence which happily unite the two countries and desiring by a solemn act to affirm their desire for political and economic cooperation with a view to contributing towards the work of general peace,

Being equally desirous of maintaining the state of peace and political stability in accordance with the principles laid down in the Covenant of the League of Nations,

Considering that the faithful observance of the methods of pacific procedure renders it possible to settle disputes without resort to force, and,

Deeming it to be their duty to contribute towards the establishment in practice of these principles,

Have decided for this purpose to conclude a Pact of Friendship, Conciliation and Judicial Settlement, and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE HELLENIC REPUBLIC :

His Excellency M. Eleftherios VENISELOS, President of the Council of Ministers ;

HIS MAJESTY THE KING OF ITALY :

His Excellency Cav. Benito MUSSOLINI, Head of the Government, Prime Minister Secretary of State, Minister Secretary of State for Foreign Affairs ;

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

Article I.

The two High Contracting Parties reciprocally undertake to lend each other mutual support and to cooperate cordially for the purpose of maintaining the order established by the Treaties of Peace of which they are both signatories, and of ensuring that the obligations laid down in the said treaties are respected and fulfilled.

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 Rome, October 1, 1929.

Article 2.

Should a Power or Powers make unprovoked attack on either High Contracting Party, the other Party undertakes to observe neutrality throughout the conflict.

Article 3.

Should the security and interests of either High Contracting Party be threatened by violent incursions from without, the other Party undertakes to lend it its political and diplomatic support with a view to removing the cause of these threats.

Article 4.

In the event of international complications the two High Contracting Parties undertake, if they agree that their joint interests are or may be threatened, to consult together as to the measures to be adopted to safeguard these interests.

Article 5.

Greece and Italy undertake to submit to the procedure of conciliation provided for in Articles 8 to 19 below all questions on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

In the event of the procedure of conciliation being resorted to without success, a judicial settlement shall be sought in accordance with Articles 20 and following of the present Treaty.

Article 6.

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

Article 7.

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 or administrative authorities, the Party in question may object to the dispute being submitted for settlement by the different proceedings laid down in the present Convention until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In this case, the Party which desires to resort to the procedures laid down in the present Convention must notify the other Party of its intention within one year from the date of the aforementioned decision.

Article 8.

A permanent Conciliation Commission shall be constituted within six months from the date of the exchange of ratifications of the present Treaty.

This Commission shall be composed of three members. The High Contracting Parties shall each nominate one commissioner, chosen from among their respective nationals.

They shall jointly designate the President, who must not be a national of the High Contracting Parties nor be habitually resident in the territories or be in the service of the Parties. If, in the

absence of agreement, the President is not appointed within the period laid down in the preceding paragraph or, in the event of replacement, within three months of the date on which the vacancy occurs, he shall be designated in the following manner :

Each of the two High Contracting Parties shall put forward two candidates taken from the list of the members of the Hague Permanent Court who have not been designated by the Parties and are not nationals of either of them. It shall be determined by lot which of the candidates thus put forward shall be President.

The commissioners shall be appointed for three years. They shall be reeligible. They shall continue to exercise their functions until their replacement and in any case until the expiration of their mandate.

As long as the proceedings have not been opened, either High Contracting Party shall have the right to recall the commissioner appointed by it and designate a successor. It shall also have the right to withdraw its consent to the appointment of the President.

Vacancies occurring as a result of the expiration of a mandate, recall, death, resignation or any other cause shall be filled within the shortest possible time in the manner laid down for the appointments.

Article 9.

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. The application, after stating 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.

If the application emanates from only one of the Parties, that Party shall at the same time notify the other Party.

Article 10.

Within fifteen days from the date on which a dispute has been brought by one of the Parties before the 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.

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 the notification reaches it.

Article 11.

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

Article 12.

The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information and to endeavour to bring the Parties to an agreement.

It shall, after the case has been examined, draw up a report containing proposals for the settlement of the dispute.

Article 13.

The procedure before the Conciliation Commission must provide for both Parties being heard.

The Commission shall lay down its own procedure, regard being had, in the absence of unanimous decisions to the contrary, to the provisions of Part III of the Hague Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

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

Article 14.

The deliberations of the Conciliation Commission shall be held in private unless the Commission in agreement with the Parties, decides otherwise.

Article 15.

The Parties shall have the right to appoint to the Commission agents, counsel and experts, who shall also act as intermediaries between them and the Commission, and they may request that all persons whose evidence appears to them desirable shall be heard.

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 16.

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 all means at their disposal in accordance with their law to allow it to proceed to the summoning and hearing of witnesses or experts.

Article 17.

The Conciliation Commission shall submit its report within four months from the date on which the dispute is submitted to it, unless the Parties agree to extend this period.

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

Article 18.

The Conciliation Commission shall fix the period within which the Parties must decide with regard to the proposals for settlement contained in its report. This period may not exceed three months.

Article 19.

During the actual period of 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.

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

Article 20.

If one of the Parties does not accept the proposals of the Conciliation Commission or does not take a decision within the the period laid down in its report, either Party may request that the dispute be submitted to the Permanent Court of International Justice.

The Parties agree that if, in the opinion of the Court of Justice, the dispute is not of a legal nature it shall be decided *ex aequo et bono*.

Article 21.

The High Contracting Parties shall draw up, for each particular case, a special agreement clearly determining the subject of the dispute, the particular competence which may devolve upon the Permanent Court of International Justice, and also any other conditions agreed upon between them.

The special agreement shall be established by an exchange of notes between the Governments of the Contracting Parties.

It shall on all points be interpreted by the Court of Justice.

If the special agreement has not been drawn up within three months from the date on which one of the Parties has been informed of a request for the purposes of judicial settlement, either Party may submit the matter to the Court of Justice by a simple application.

Article 22.

If the Permanent Court of International Justice should find that a decision of a court of law or other authority of one of the Contracting Parties 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 injured Party shall be granted other equitable satisfaction.

Article 23.

The judgment given by the Permanent Court of International Justice shall be carried out in good faith by the Parties.

Any difficulties to which the interpretation of the judgment may give rise shall be settled by the Court of Justice, which may be informed for this purpose by either Party by a simple application.

Article 24.

During the conciliation or judicial proceedings, the Contracting Parties shall abstain from any measure which might prejudicially affect the acceptance of the proposals of the Conciliation Commission or the execution of the judgment of the Permanent Court of International Justice.

Article 25.

If conciliation or judicial proceedings are pending on the expiration of the present Treaty, they shall be pursued in accordance with the provisions of the present Treaty or any other convention which the Contracting Parties may have agreed to substitute therefor.

Article 26.

The present Treaty, the interpretation or application of which may not affect the rights and obligations of the High Contracting Parties in virtue of the Covenant of the League of Nations, shall be communicated to the League of Nations for registration, in accordance with Article 18 of the Covenant.

Article 27.

Any disputes which may arise with regard either to the interpretation or the execution of the present Treaty shall be submitted direct to the Permanent Court of International Justice at The Hague by a simple application.

Article 28.

This Treaty shall be ratified as soon as possible and shall come into force immediately after the exchange of ratifications, which shall take place at Rome. It shall be concluded for a period of five years from the date of the exchange of the instruments of ratification. If it is not denounced six months before the expiration of this period, it shall remain in force for a further period of five years.

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

Done at Rome in duplicate on the twenty-third day of September, one thousand nine hundred and twenty-eight.

(L. S.) E. K. VÉNISÉLOS.

(L. S.) B. MUSSOLINI.