

N° 3065.

**TCHÉCOSLOVAQUIE
ET TURQUIE**

Convention de règlement judiciaire,
d'arbitrage et de conciliation,
avec protocole final. Signés à
Ankara, le 17 mars 1931.

**CZECHOSLOVAKIA
AND TURKEY**

Convention of Judicial Settlement,
Arbitration and Conciliation,
with Final Protocol. Signed at
Ankara, March 17, 1931.

¹ TRADUCTION. — TRANSLATION.No. 3065. — CONVENTION² OF JUDICIAL SETTLEMENT, ARBITRATION AND CONCILIATION BETWEEN CZECHOSLOVAKIA AND TURKEY. SIGNED AT ANKARA, MARCH 17, 1931.

French official text communicated by the Permanent Delegate of the Czechoslovak Republic accredited to the League of Nations. The registration of this Convention took place October 20, 1932.

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC and THE PRESIDENT OF THE TURKISH REPUBLIC, being sincerely desirous of strengthening the bonds of friendship which unite the two countries and of promoting the use of peaceful methods for the settlement of international disputes, Have resolved to conclude a Convention of judicial settlement, arbitration and conciliation and have appointed for that purpose as their Plenipotentiaries :

THE PRESIDENT OF THE CZECHOSLOVAK REPUBLIC :

His Excellency M. Miloš KOBR, Envoy Extraordinary and Minister Plenipotentiary of the Czechoslovak Republic in Turkey, and

THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency Dr. Tevfik RÜŞTÜ Bey, Minister for Foreign Affairs of the Turkish Republic Deputy for Izmir,

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

Article 1.

The Contracting Parties agree to submit, under the conditions laid down in the present Convention, any dispute whatever that may arise between Czechoslovakia and Turkey and that may not have been found capable of settlement within a reasonable time by ordinary diplomacy, for judgment, either to the Permanent Court of International Justice or to a specially appointed arbitral tribunal, or to endeavour to settle such dispute by conciliation as provided hereinafter.

The provisions of the present Convention shall not apply to disputes arising out of facts existing prior to the present Convention and belonging to the past.

Disputes for the settlement of which a special procedure may have been provided by other agreements in force between the Parties shall be decided in accordance with the provisions of such agreements.

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 Prague, September 16, 1932. Came into force, October 16, 1932.

Article 2.

At the request of one of the Parties, the following shall be submitted for judgment to the Permanent Court of International Justice : disputes between the Parties in regard to a right and in particular, any suit having as its object :

- (a) The interpretation of a treaty concluded between the Parties ;
- (b) A question of international law ;
- (c) The existence of any fact which, if established, would constitute a breach of an international obligation ;
- (d) The nature or extent of the reparation to be made for such breach.

These provisions shall not apply to disputes which, in the opinion of one of the Parties, relate to rights of sovereignty or to those which in the opinion of one of the Parties are within the exclusive jurisdiction of such Party.

Article 3.

In the cases referred to in Article 2, the Parties may agree to bring the dispute before a specially appointed arbitral tribunal, instead of before the Permanent Court of International Justice.

Article 4.

Should a difference of opinion arise between the Parties as to whether a dispute does or does not fall within one of the categories referred to in paragraphs 1 and 2 of Article 2, such preliminary question shall be decided by the Permanent Court of International Justice or, if the Parties have agreed to have recourse to an arbitral tribunal in accordance with Article 3, by such tribunal.

Article 5.

When there is to be arbitration between them, the Contracting Parties shall conclude a special agreement concerning the subject of the dispute and the rules of procedure which they desire to have observed. In making such an agreement, the Contracting Parties, if they have recourse to an arbitral tribunal, shall in so far as possible conform to the provisions of the Hague Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

The special agreement shall be concluded by the signature of a protocol or by exchange of Notes. The Permanent Court of International Justice or the arbitral tribunal, as the case may be, shall have jurisdiction to interpret its terms.

If, within two months from the date of the notification of one Party by the other of a demand for judicial settlement or arbitration, the terms of the special agreement have not been agreed on, either Party may bring the matter by a simple application before the Permanent Court of International Justice.

Article 6.

All disputes not referred to in Article 2 shall, on the request of one of the Parties, be submitted to conciliation procedure.

The Parties shall, however, by special agreement be entitled to refer any dispute mentioned in Article 2 to such a procedure before bringing it before the Permanent Court of International Justice or an arbitral tribunal.

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

Article 7.

With a view to the procedure laid down in Article 6, the Contracting Parties shall set up a Permanent Conciliation Commission.

The Commission shall consist of five members. The Parties shall each nominate one member of their choice, and shall appoint the other three by joint agreement.

These last shall not be nationals of the Contracting Parties or be habitually resident in the territory of the Parties or be or have been in their service. From amongst them the Parties shall by joint agreement select the President of the Commission.

Save when proceedings are pending or a demand for the opening of proceedings has been made, each of the Contracting Parties may at any time replace its commissioner. On the same condition, it may also withdraw its consent to the election of one or more of the three jointly appointed commissioners. Vacancies thus occurring shall be filled as quickly as possible.

Within fifteen days of the date when a dispute is brought before the Permanent Conciliation Commission by one of the Parties, either Party may, for the examination of such dispute, replace its commissioner by a person possessing special competence in the matter.

A Party availing itself of this right shall immediately notify the other Party ; the latter shall in such case be entitled to take similar action within fifteen days of the date on which the notification reaches it.

The Permanent Conciliation Commission shall be set up within six months from the exchange of ratifications of this Convention. Vacancies that may occur shall be filled as speedily as possible and in the manner provided for nominations.

If the jointly appointed commissioners are not nominated within six months of the exchange of ratifications or, in the case of replacement, within three months of the date on which the vacancy occurred, the President of the Swiss Confederation shall, in the absence of agreement to the contrary between the Parties, be requested to make the necessary nominations.

Article 8.

The Permanent Conciliation Commission shall begin its functions as soon as requested to do so by one of the Parties. The request shall be forwarded simultaneously to the President of the Commission and to the other Party. The President shall then summon the Commission as soon as possible.

The Contracting Parties undertake to facilitate the work of the Commission in all circumstances and in every respect, and in particular to afford it the full assistance of their competent authorities. They shall take all necessary steps to enable it within their respective territories to summon and hear witnesses or experts and to proceed to investigations on the spot. The Commission may entrust this task to one or more of the three jointly appointed members.

Article 9.

The Permanent Conciliation Commission shall meet at a place selected by itself and may transfer its seat at any time, if it think fit.

The Commission may appoint a bureau. If it includes nationals of the Parties therein, it shall ensure that each Party be equally represented.

Article 10.

The Permanent Conciliation Commission may not take decisions unless all members have been duly summoned and unless at least all the jointly appointed members are present.

Decisions shall be taken by a majority of votes. In the case of an equality of votes the President shall have a casting vote.

Article 11.

At the end of its work the Commission shall present a report stating the facts and, unless owing to special circumstances such a course seem undesirable, containing proposals calculated in its opinion to put an end to the dispute.

The report shall be presented within six months of the filing of the request to the Commission ; nevertheless the Parties may by joint agreement extend this time-limit or, if the Commission has not yet begun its work, may shorten it. The report shall be drawn up in three copies, of which the Parties shall each receive one, the third remaining with the Commission.

The Parties shall not be bound by the considerations *de facto* or *de jure* set forth by the Commission. But the Commission may in its report fix for them a time-limit within which they must declare whether they accept its conclusions and recommendations.

The Contracting Parties undertake that they will not publish the report without previously consulting one another.

Article 12.

Each of the Parties shall pay the fees of the member appointed by it and half the fees of the jointly appointed members.

Each Party shall bear its own costs and half of those declared by the Permanent Conciliation Commission to be common costs.

Article 13.

Subject to the foregoing provisions, the Permanent Conciliation Commission shall so far as possible apply to its procedure the provisions of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes. In case of dispute the Commission shall decide.

Article 14.

Whilst proceedings are pending before the Permanent Court of International Justice or an arbitral tribunal or the Permanent Conciliation Commission, the Contracting Parties undertake to abstain from any measures that might prejudicially affect the execution of the award or the arrangements proposed by the Permanent Conciliation Commission.

Article 15.

The present Convention shall be ratified. The instruments of ratification shall be exchanged at Prague as soon as possible.

The Convention shall come into force one month after the exchange of ratifications.

The Convention is concluded for a period of five years from the date of exchange of ratifications. If not denounced at least six months before the expiration of that period, it shall remain in force for a further period of five years, and so on.

If conciliation proceedings or judicial or arbitral proceedings are pending at the time of expiration of the present Convention, such proceedings shall continue in accordance with the provisions of this Convention or of any other Convention that the Parties may substitute therefore.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done in duplicate at Ankara, March 17, 1931.

(L. S.) M. KOBR.

(L. S.) Dr. RÜŞTÜ.

FINAL PROTOCOL.

1. The Contracting Parties declare that the present Convention shall apply as between them, even though a third Power may also have an interest in the dispute.

2. In case of doubt, the terms of the present Convention shall be given an interpretation favourable to the judicial or arbitral settlement of a dispute.

ANKARA, *March 17, 1931.*

M. KOBR.

Dr. RÜŞTÜ.