

N° 2611.

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**PAYS-BAS ET ROUMANIE**

Traité de règlement judiciaire, d'arbitrage et de conciliation. Signé à La Haye, le 22 janvier 1930.

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**THE NETHERLANDS  
AND ROUMANIA**

Treaty of Judicial Settlement, Arbitration and Conciliation. Signed at The Hague, January 22, 1930.

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

No. 26II. — TREATY<sup>2</sup> OF JUDICIAL SETTLEMENT, ARBITRATION AND CONCILIATION BETWEEN THE NETHERLANDS AND ROUMANIA. SIGNED AT THE HAGUE, JANUARY 22, 1930.

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*French official text communicated by the Netherlands Minister at Berne and the Roumanian Envoy Extraordinary and Minister Plenipotentiary accredited to the League of Nations. The registration of this Treaty took place February 9, 1931.*

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HER MAJESTY THE QUEEN OF THE NETHERLANDS and HIS MAJESTY THE KING OF ROUMANIA, desirous of strengthening the ties of friendship which exist between the Netherlands and Roumania, and of encouraging the pacific settlement of any disputes and conflicts which may arise between the two countries, have resolved to conclude a treaty for that purpose, and have appointed as their respective Plenipotentiaries :

HER MAJESTY THE QUEEN OF THE NETHERLANDS :

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

HIS MAJESTY THE KING OF ROUMANIA :

Monsieur Georges G. MIRONESCO, His Minister for Foreign Affairs ;

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

*Article 1.*

The High Contracting Parties reciprocally agree that in no case will they seek, otherwise than by pacific means, the settlement of disputes or conflicts which may arise between the Netherlands and Roumania and which it may not have been possible to settle in a reasonable time by the normal methods of diplomacy.

*Article 2.*

All legal disputes 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, as hereinafter laid down.

The provision contained in the preceding paragraph does not apply to disputes arising out of events prior to the present Convention and belonging to the past, nor to disputes relating to questions which, according to international law, come within the exclusive jurisdiction of individual States.

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<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, January 6, 1931.

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<sup>1</sup> or to arbitration 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 the latter has failed to bring the Parties to an agreement, the dispute shall, by common consent, be submitted, by means of a special agreement, either to the Permanent Court of International Justice which shall decide under the conditions and in accordance with the procedure laid down in its Statute or to an arbitral tribunal which shall decide under the conditions and in accordance with the procedure laid down in the Hague Convention<sup>2</sup> of October 18, 1907, for the Pacific Settlement of International Disputes.

Failing agreement between the Parties as to the choice of jurisdiction, the terms of the special agreement or, in the case of arbitration procedure, the choice of the arbitrators, either Party shall, after giving one month's notice, be entitled to bring the dispute, by means of an application, direct before the Permanent Court of International Justice.

*Article 5.*

All questions on which the High Contracting Parties may differ without being able to reach an amicable solution by means of the normal methods of diplomacy, and the settlement of which cannot be attained by means of a judicial decision as provided in Article 2 of the present Treaty, and for the settlement of which no procedure has been laid down by a treaty or convention in force between the Parties, shall be submitted to the Permanent Conciliation Commission, whose duty it shall be to propose to the Parties an acceptable solution and in any case to present a report to them

Failing agreement between the Parties as to the application to be made to the Commission, either Party shall, after giving one month's notice, be entitled to submit the question direct to the said Commission.

In all cases, if there is a disagreement between the Parties as to whether the disputes is or is not of the character referred to in Article 2, and therefore capable of being settled by a judicial decision, such disagreement shall, before any proceedings are instituted before the Permanent Conciliation Commission, be submitted for decision to the Permanent Court of International Justice by agreement between the High Contracting Parties, or, failing agreement, on the application of either Party.

*Article 6.*

The Permanent Conciliation Commission for which provision is made in the present Treaty shall be composed of five members, who shall be appointed as follows, that is to say: the High Contracting Parties shall each nominate a commissioner chosen from among their respective

<sup>1</sup> Vol. VI, page 379; Vol. XI, page 404; Vol. XV, page 301; Vol. XXIV, page 152; Vol. XXVII, page 415; Vol. XXXIX, page 165; Vol. XLV, page 96; Vol. I., 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; and Vol. CXI, page 402, of this Series.

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

nationals, and shall appoint, by common agreement, the other three commissioners from among the nationals of third Powers ; these three commissioners 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 term of office shall be renewable. They shall remain in office until their replacement, and in any case until the termination of the proceedings in progress at the moment of the expiry of their term.

Vacancies which may occur as a result of death, resignation or any other cause, permanent or temporary shall be filled within the shortest possible time, and in any case within three months, in the manner fixed for the appointments.

#### *Article 7*

The Permanent Conciliation Commission shall be set up within six months after the ratifications of the present Treaty have been exchanged.

If the nominations of the members to be appointed jointly should not have taken place within three months of the date when the seat falls vacant, the President of the Swiss Confederation shall, in the absence of other agreement, be requested to make the necessary appointments.

#### *Article 8.*

The Permanent Conciliation Commission shall be informed of a dispute by means of a request addressed to the President, as provided for, according to the circumstances, in Articles 3 and 5.

The request, after giving 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, notice thereof shall be given without delay to the other Party.

#### *Article 9.*

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 that particular dispute, replace its commissioner 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 when the notification reaches it.

#### *Article 10.*

The task of the Permanent Conciliation Commission shall be to elucidate the 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 examining the case, inform the Parties of the terms of settlement which seem suitable to it, and, if necessary, fix a period within which they are to make their decision.

At the close of its labours, the Commission shall draw up a report stating the result thereof, and a copy of this report shall be delivered to each Party.

The Parties shall never be bound by the considerations of fact or law or any other considerations accepted by the Commission.

Subject to the provisions of Article 5, paragraph 3, the labours 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.

*Article 11.*

Failing any special provision to the contrary, the Permanent Conciliation Commission shall determine its own procedure, which in all cases 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 Chapter III (International Commissions of Enquiry) of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

*Article 12.*

The Permanent Conciliation Commission shall meet, failing any agreement between the Parties to the contrary, at a place selected by its President.

*Article 13.*

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 Commission's work without previously consulting each other.

*Article 14.*

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 request that all persons whose evidence appears to them useful should be heard.

The Commission, on its side, shall be entitled to request oral 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 Governments.

*Article 15.*

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

The Commission shall not take any decision relating to the substance of the dispute unless all the members have been duly convened and at least all the members chosen jointly are present.

*Article 16.*

The High Contracting Parties undertake to facilitate the work of the Permanent Conciliation Commission, and particularly to ensure it the assistance of their competent authorities, to supply it to the greatest possible extent with all relevant documents and information, and to take the necessary measures to enable the Commission to summon and hear witnesses or experts in their territory, and to visit the localities in question.

*Article 17.*

During the proceeding 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 contributing an equal share.

*Article 18.*

In any case, and particularly if the question on which the Parties differ arises out of acts already committed or on the point of commission, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or, according to the circumstances, the arbitral tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. The Permanent Conciliation Commission may, if necessary, act in the same way after agreement between the Parties.

The High Contracting Parties undertake to abstain from all measures likely to affect prejudicially the execution of the decision or the arrangements proposed by the Permanent Conciliation Commission, and in general to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

*Article 19.*

The present Treaty shall remain applicable as between the High Contracting Parties even when other Powers are also interested in the dispute.

*Article 20.*

Should any dispute arise between the High Contracting Parties concerning the interpretation of the present Treaty, such dispute shall be brought before the Permanent Court of International Justice in accordance with the procedure laid down in Article 4, paragraph 2.

*Article 21.*

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

*Article 22.*

The present Treaty shall enter into force as soon as the ratifications have been exchanged, and shall remain in force for a period of ten years from its entry into force. If it has not been denounced six months before the expiration of this period, it shall be deemed to be tacitly renewed for a further period of five years, and so successively.

If, on the expiration of the present Treaty, any proceedings whatsoever in virtue of this Treaty are pending before the Permanent Conciliation Commission, the Permanent Court of International Justice or the arbitral tribunal, such proceedings shall be continued until they are duly concluded.

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

Done at The Hague in duplicate, January 22, 1930.

(L.S.) BELLAERTS VAN BLOKLAND.

(L.S.) G. G. MIRONESCO