

N° 2898.

ITALIE ET LETTONIE

Traité de conciliation et de règlement judiciaire. Signé à Riga, le 28 avril 1931.

ITALY AND LATVIA

Treaty of Conciliation and Judicial Settlement. Signed at Riga, April, 28, 1931.

¹ TRADUCTION. — TRANSLATION.

No. 2898. — TREATY ² OF CONCILIATION AND JUDICIAL SETTLEMENT BETWEEN ITALY AND LATVIA. SIGNED AT RIGA, APRIL 28, 1931.

French official text communicated by the Latvian and Italian Ministers for Foreign Affairs. The registration of this Treaty took place February 18, 1932.

THE PRESIDENT OF THE LATVIAN REPUBLIC and HIS MAJESTY THE KING OF ITALY, imbued with the spirit of cordiality which characterises their mutual relations, have resolved to conclude a Treaty for the friendly settlement of any disputes which may arise between the two countries, and have appointed as their Plenipotentiaries for this purpose :

THE PRESIDENT OF THE LATVIAN REPUBLIC :

His Excellency M. Kārlis ULMANIS, President of the Council, Minister for Foreign Affairs ;

HIS MAJESTY THE KING OF ITALY :

His Excellency Dr. Nicola MACARIO, His Envoy Extraordinary and Minister Plenipotentiary at Riga,

Who, having communicated their full powers, found in good and due form, have agreed as follows :

Article 1.

The High Contracting Parties reciprocally undertake to settle in every case, by pacific means and in accordance with the procedure laid down in the present Treaty, all disputes or conflicts of whatever nature which may arise between Latvia and Italy after the date of the entry into force of this Convention, and which it may not have been possible to settle by the normal methods of diplomacy.

Article 2.

All disputes of every kind between the High Contracting Parties which it may not have been possible to settle amicably by the normal methods of diplomacy shall be submitted for decision either to an Arbitral Tribunal or to the Permanent Court of International Justice as laid down hereafter.

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.

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, February 2, 1932.

Article 3.

Before any resort is made to arbitral procedure or to procedure before the Permanent Court of International Justice, the dispute shall 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.

When the subject of the dispute is one which, under the municipal legislation of either Party, is within the competence of the national Courts of that Party, the matter in dispute shall not be submitted to the procedure laid down in the present Treaty until a judgment with final effect has been given within a reasonable period by the competent national judicial authority.

Article 5.

The Permanent Conciliation Commission provided for in Article 3 shall consist of five members who shall be appointed as follows: The High Contracting Parties shall each nominate one Commissioner from among their respective nationals and they shall further appoint, by common agreement, three other Commissioners from among the nationals of third Powers; these three Commissioners must be of different nationalities and the High Contracting Parties shall designate one of them as President of the Commission.

The members of the Commission shall be appointed for three years and may be reappointed. They shall continue to hold office until they are replaced and, in any case, until the completion of any work in hand at the moment of the expiry of their mandate.

Any vacancies which may occur owing to death, resignation or any other emergency shall be filled as soon as possible in the manner laid down for the nominations.

Article 6.

The Permanent Conciliation Commission shall be constituted within three months after the entry into force of the present Convention.

If the appointment of the Commissioners to be nominated by common agreement has not been made within the aforesaid period, or if a fresh appointment has not been made within three months of the seat becoming vacant, the President of the Permanent Court of International Justice or, if the latter is a national of one of the High Contracting Parties, the Vice-President or the oldest member of the Court who is not a national of either of the High Contracting Parties shall, failing other agreement, be asked to make the necessary nominations.

Article 7.

The Permanent Conciliation Commission shall be notified by means of a request addressed to the President by the two Parties acting in agreement or, in the absence of such agreement, by either of the Parties.

The request shall contain a short statement of the subject of the dispute, followed by an invitation to the Commission to take all necessary steps with a view to arriving at an amicable settlement.

If the request emanates from one Party only, it shall be notified forthwith to the other Party.

Article 8.

Within fifteen days from the date when the Permanent Conciliation Commission shall have been notified of the matter in dispute, either Party may, for the examination of the 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 the same action within fifteen days from the date when the notification reaches it.

Article 9.

The task of the Permanent Conciliation Commission shall be to elucidate the subjects in dispute and for this purpose to collect all necessary information by means of enquiry or otherwise and to endeavour to bring the Parties to agreement. It may, after examining the question, propose to the Parties the terms of settlement which it considers suitable and may appoint a period within which they are to make their decision.

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

Unless the Parties have agreed otherwise, the proceedings of the Commission must be concluded within six months from the day on which it was notified of the dispute.

Article 10.

Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which must in all cases provide for both Parties being heard. 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 Convention¹ of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 11.

Unless otherwise decided by agreement between the Parties, the Permanent Conciliation Commission shall meet at the place appointed by its President.

Article 12.

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

Article 13.

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 may claim a hearing for any persons whose evidence they may consider useful.

The Commission on its part may request oral explanations from the agents, counsel or experts of the two Parties, as also from any other persons it may think fit to summon with the consent of their respective Governments.

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

Article 14.

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

Article 15.

The High Contracting Parties undertake to give the Permanent Conciliation Commission every possible assistance in its work and, in particular, to supply it to the greatest possible extent with all relevant documents and information, and to employ all means at their disposal to enable the Commission, in their respective territories and in accordance with their internal laws, to cite and take the evidence of witnesses and experts and to visit the localities in question.

Article 16.

Each of the Commissioners shall receive an allowance for the actual duration of the proceedings of the Permanent Conciliation Commission; the amount of this allowance shall be fixed by agreement between the High Contracting Parties, by whom it shall be borne in equal shares. The expenditure entailed by the operations of the Commission shall also be shared equally.

Article 17.

If either Party refuses to accept the proposals of the Permanent Conciliation Commission or does not intimate its decision within the period laid down in the Commission's report, either Party may require that the dispute shall be submitted to the Permanent Court of International Justice.

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

GENERAL PROVISIONS.

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 Conciliation Commission, or if the matter was no longer before the latter, the arbitral tribunal or the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute¹, shall lay down, if necessary and within the shortest possible time, the provisional measures to be adopted. The High Contracting Parties undertake respectively to accept such measures, to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Conciliation Commission and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

¹ Vol. VI, page 380; 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; and Vol. CXVII, page 46, of this Series.

Article 19.

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

Article 20.

The present Treaty shall be communicated to the League of Nations for registration in accordance with Article 18 of the Covenant.

Article 21.

The present Treaty shall be ratified ; the ratifications shall be exchanged at Rome.

It shall come into force as soon as the ratifications have been exchanged and shall be valid for ten years reckoned from the date on which it comes into force. Unless it is denounced six months before the expiry of this period, it shall be considered as renewed for a period of five years, and similarly thereafter.

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

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

Done at Riga, in duplicate, April the twenty-eighth, one thousand nine hundred and thirty-one.

(L. S.) (Signed) K. ULMANIS.

(L. S.) (Signed) N. MACARIO.