

N° 3715.

**TURQUIE
ET YOUGOSLAVIE**

Traité d'amitié, de non-agression, de règlement judiciaire, d'arbitrage et de conciliation. Signé à Beograd, le 27 novembre 1933.

**TURKEY
AND YUGOSLAVIA**

Treaty of Friendship, Non-Aggression, Judicial Settlement, Arbitration and Conciliation. Signed at Belgrade, November 27th, 1933.

¹ TRADUCTION. — TRANSLATION.

No. 3715. — TREATY ² OF FRIENDSHIP, NON-AGGRESSION, JUDICIAL SETTLEMENT, ARBITRATION AND CONCILIATION BETWEEN THE TURKISH REPUBLIC AND THE KINGDOM OF YUGOSLAVIA. SIGNED AT BELGRADE, NOVEMBER 27TH, 1933.

French official text communicated by the Permanent Delegate of the Kingdom of Yugoslavia to the League of Nations. The registration of this Treaty took place August 26th, 1935.

HIS MAJESTY THE KING OF YUGOSLAVIA

and

THE PRESIDENT OF THE TURKISH REPUBLIC,

Equally solicitous for the maintenance of general peace ;

Convinced that Yugoslavia and Turkey should collaborate to that end in a spirit of mutual confidence by preparing for the pacific settlement of any disputes that may arise between them ;

Mindful of the fact that the two States are signatories of the Pact³ of Paris of August 27th, 1928, relating to the renunciation of war ;

Desirous, in the common interests of both countries, of strengthening the friendly bonds between them which constitute a promise for the future ;

Have decided to conclude with one another a Treaty of friendship, non-aggression, judicial settlement, arbitration and conciliation and have with this object appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF YUGOSLAVIA :

His Excellency Monsieur Bogoljub JEVTITCH, Minister for Foreign Affairs ;

THE PRESIDENT OF THE TURKISH REPUBLIC :

His Excellency Dr. Tefvik RÜŞTÜ Bey, Minister for Foreign Affairs ;

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

Article I.

The High Contracting Parties undertake that they will in no case seek the settlement of disputes or conflicts, of whatever nature they may be, which may arise between the Kingdom of Yugoslavia and the Turkish Republic and which it may not have been possible to settle within a reasonable time by ordinary diplomatic procedures, otherwise than by pacific means and in accordance with the methods provided for in the present Treaty.

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 Ankara, June 7th, 1935.

³ Vol. XCIV, page 57 ; Vol. CXXXIV, page 411 ; Vol. CLII, page 298 ; and Vol. CLX, page 354, of this Series.

The High Contracting Parties pledge themselves not to resort to war as an instrument of national policy in their relations with one another and to condemn all aggression and any share in any form of aggression by third parties or any aggressive agreement directed against one or other of the two countries.

CHAPTER I.

Article 2.

The Yugoslav Government and the Turkish Government agree, that, failing a friendly settlement by the normal methods of diplomacy and failing any other agreement, they will submit for judgment either to the Permanent Court of International Justice or to an arbitral tribunal as provided hereunder, disputes between the Parties in regard to a right and in particular any suit having as its object :

- (1) The interpretation of a treaty ;
- (2) Any question of international law ;
- (3) The existence of any fact which, if established, would constitute a breach of an international obligation ;
- (4) The extent or nature of the reparation to be made for such breach.

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

Article 3.

This undertaking shall not apply :

- (1) To disputes arising out of facts existing prior to the present Treaty ;
- (2) To disputes concerning questions which, in the opinion of one of the Parties, are, according to the principles of international law, exclusively within its sovereignty or, according to the Treaties in force between the Parties, within its exclusive jurisdiction. Nevertheless, the other Party may, if it is of a different opinion, ask for a previous decision by the Permanent Court of International Justice as to whether a dispute is within the jurisdiction of one only of the Parties ;
- (3) To disputes relating to the territorial status of the Parties.

Article 4.

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 Courts of such 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 pronounced, within a reasonable time, by the competent national judicial authority.

Similarly, in the case of a dispute which is within the jurisdiction of the administrative authorities, the matter in dispute shall not be submitted to the various procedures laid down in the present Treaty until a final decision has been given, within a reasonable time, by the competent authority.

If either Party in such a case wishes to have recourse to the procedure laid down in the present Treaty, it shall notify the other Party of its intention within a period of one year after the aforesaid decision.

Article 5.

(a) The Arbitral Tribunal mentioned in Article 2 shall consist of five members. The Parties shall each nominate one member, who may be chosen from among their respective nationals. The

other two arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territories or be in the service of the Parties.

(b) 1. If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the Parties requested the other Party to constitute an arbitral tribunal, a third Power, chosen by agreement between the Parties, shall be requested to make the necessary appointments.

2. If no agreement is reached on this point, each Party shall designate a different Power, and the necessary appointments shall be made by the President of the Permanent Court of International Justice. If the latter is prevented from acting or is a national of one of the Parties, the appointments shall be made by the Vice-President. If the latter is prevented from acting or is a national of one of the Parties, the appointments shall be made by the oldest member of the Court who is not a national of either Party.

(c) Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the appointments.

(d) If the two High Contracting Parties agree to bring the dispute before an arbitral tribunal, they shall at the same time draw up a special agreement determining the subject of the dispute and the procedure to be followed.

In the absence of sufficient indication or particulars in the special agreement, regarding the points indicated in the previous paragraph, the provisions of the Hague Convention ¹ of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary.

If nothing is laid down in the special agreement, the Tribunal shall apply the rules in regard to the substance of the dispute indicated in Article 38 of the Statute ² of the Permanent Court of International Justice.

Article 6.

Before any resort is made to procedure before the Permanent Court of International Justice or to arbitral procedure, the dispute may, by agreement between the Parties, be submitted, with a view to amicable settlement, to the Permanent Conciliation Commission constituted in accordance with the present Treaty.

Article 7.

If, in a judicial sentence or arbitral award, it is declared that a decision taken or a measure enjoined by a court of law or other authority of one of the Parties to the dispute is wholly or in part contrary to international law, and if the constitutional law of that Party only partially permits the consequences of the decision or measure in question to be annulled, the Parties agree that the judicial sentence or arbitral award shall grant the injured Party equitable satisfaction.

CHAPTER II.

Article 8.

All questions on which the High Contracting Parties shall differ without being able to reach an amicable solution by means of the normal methods of diplomacy and the settlement of which

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

² 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. LXXXII, 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; 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; and Vol. CLX, page 325, of this Series.

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 any 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 concerning the request to be submitted to the Commission, either of them shall have the right, after giving the other Party one month's notice, to submit the question direct to the said Commission.

Article 9.

The Permanent Conciliation Commission mentioned 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 nationals and shall appoint, by common agreement, the three other 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. They shall be re-eligible. The commissioners appointed jointly may be replaced during their term of office by agreement between the Parties. Further, each Party may at any time replace the commissioner appointed by it. Notwithstanding their replacement, the appointments of the commissioners shall continue until the termination of the work in hand.

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

Article 10.

The Permanent Conciliation Commission shall be constituted within six months from the exchange of ratifications of the present Treaty.

If the nomination of the members to be appointed by common agreement should not have taken place within the said period, or, in the case of the filling of a vacancy, within three months from the time 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 11.

The Permanent Conciliation Commission shall be informed by means of a request addressed to the President under the conditions provided, according to the case, by Articles 6 and 8.

The request, after having given 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, notification thereof shall be made without delay to the other Party.

Article 12.

Within fifteen days from the date when either of the High Contracting Parties shall have brought a dispute before the Permanent Conciliation Commission, 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 similar action within fifteen days from the date on which it receives notification.

Article 13.

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 suitable to it and, if necessary, 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 the result, and a copy of that report shall be delivered to each of the Parties.

The Parties shall in no case be bound by considerations of fact or law or by other considerations referred to by the Commission.

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

Article 14.

Failing any special provision to the contrary, the Permanent Conciliation Commission shall lay down its own procedure, which in any case 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 18th, 1907, for the Pacific Settlement of International Disputes.

Article 15.

The Permanent Conciliation Commission shall meet, in the absence of agreement by the Parties to the contrary, at a place selected by the President. If, in the course of the procedure, the nature of the case necessitates changing the seat thus chosen, the Commission shall take a decision accordingly.

Article 16.

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 pledge themselves not to publish the result of the Commission's proceedings without first consulting one another.

Article 17.

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 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 18.

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

The Commission shall only be entitled to take decisions relating to the substance of a dispute if all its members have been duly convened and if at least all the members chosen jointly are present.

Article 19.

The High Contracting Parties undertake to facilitate the labours 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 measures necessary to permit the Commission to proceed in their territory to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 20.

During the labours 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 of which shall contribute an equal share.

GENERAL PROVISIONS.

Article 21.

In any case in which the dispute forms the subject of arbitral or judicial procedure and particularly if the question on which the Parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or, according to the case, 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.

Each of the High Contracting Parties undertakes to abstain from all measures likely to have a repercussion prejudicial to the execution of the decision or to the arrangements proposed by the Permanent Conciliation Commission, and, in general, to abstain from any sort of action whatsoever that may aggravate or extend the dispute.

Article 22.

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

Article 23.

In the event of any dispute arising between the High Contracting Parties as to the interpretation of the present Treaty, such dispute shall be submitted to the Permanent Court of International Justice, in accordance with the procedure laid down in Article 2 of the present Treaty.

Article 24.

The present Treaty shall be ratified. The ratifications shall be exchanged at Ankara as soon as possible.

Article 25.

The present Treaty shall come into force immediately upon the exchange of ratifications and shall remain in force for five years dating from its entry into force. Unless denounced six months

before the expiration of that period, it shall be regarded as renewed by tacit consent for a fresh period of five years and similarly thereafter.

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

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done at Belgrade, in duplicate, the 27th day of November, one thousand nine hundred and thirty-three.

(L. S.) B. D. JEVTIĆ, *m. p.*

(L. S.) Tefîk RÜŞTÜ Bey, *m. p.*