

**PACT OF NON-AGGRESSION AND ARBITRATION BETWEEN THE
HELLENIC REPUBLIC AND THE KINGDOM OF ROUMANIA.
SIGNED AT GENEVA, MARCH 21, 1928**

THE PRESIDENT OF THE HELLENIC REPUBLIC and HIS MAJESTY THE KING OF ROUMANIA,

Being desirous of maintaining the order of affairs established by the Treaties and of pursuing in all circumstances a policy of peace and concord,

Considering that the faithful observance of methods of pacific procedure renders possible the settlement of all international disputes without a resort to force ever being necessary,

Being of opinion that it is their duty to contribute, for their part, towards establishing this principle in practice,

Taking into account the relations of cordial friendship and mutual confidence and the community of interests and ideals of peace which have always existed between their countries,

Have decided for this purpose to conclude a Pact of non-aggression and arbitration and have appointed as their Plenipotentiaries:

THE PRESIDENT OF THE HELLENIC REPUBLIC:
M. André MICHALACOPOULOS, Minister for Foreign Affairs;

HIS MAJESTY THE KING OF ROUMANIA:
M. Nicolas TITULESCO; Minister for Foreign Affairs;

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

Article 1.

The High Contracting Parties mutually undertake not to attack each other or invade each other's territories and in no case to resort to war against each other.

Nevertheless, these stipulations shall not apply in the case of:

- (1) The exercise of the right of self-defence;
- (2) Action in pursuance of Article 16 of the Covenant of the League of Nations;
- (3) Action by reason of a decision taken by the Assembly or by the Council of the League of Nations or in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last case the action is directed against a State which was the first to attack.

Article 2.

Should either High Contracting Party consider that an infraction of the preceding Article has taken place or is taking place, it shall immediately bring the question before the Council of the League of Nations.

Article 3.

The High Contracting Parties undertake to settle by means of conciliation or judicial procedure or arbitration, in the manner provided for hereinafter, all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

This undertaking shall not, however, apply to:

- (1) Disputes connected with events prior to the present Pact;
- (2) Disputes concerning claims made by private persons against one of the High Contracting Parties, which will be finally decided by the competent national courts of one or other of the High Contracting Parties;
- (3) Disputes concerning questions which, by international law, are solely within the jurisdiction of States, such as municipal law;
- (4) Disputes relating to the territorial status of the High Contracting Parties or affecting their vital interests.

Article 4.

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 5.

Disputes coming under Article 3 which are of a purely legal nature shall be submitted for decision to the Permanent Court of International Justice unless the Parties agree, in the manner hereinafter provided, to have recourse to an arbitral tribunal. If there is a difference of opinion as to whether a dispute is of a purely legal nature, the question shall be submitted, at the request of one or other of the Parties, to the Council of the League of Nations for consideration in virtue of Article 11, paragraph 2, of the Covenant of the League of Nations.

The Parties undertake to comply with the unanimous recommendation of the Council of the League of Nations.

Article 6.

If the Parties agree to submit the dispute to an arbitral tribunal, they shall draw up a special agreement. If they do not agree simply to follow the procedure laid down in the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes, the Parties shall specify in this special agreement, in addition to the arbitrators selected and the subject of the dispute, the details of the procedure and the substantive rules to be applied by the arbitrators.

Article 7.

If the Parties agree to submit the dispute to an arbitral tribunal but fail to agree concerning the special agreement referred to in the preceding Article or fail to appoint arbitrators, either Party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

Article 8.

The judgment of the Permanent Court of International Justice or the award of the Arbitral Tribunal shall be executed in good faith by the Parties.

Any difficulties to which the interpretation or execution of the judgments of the Permanent Court of International Justice or the arbitral awards given under the conditions mentioned above may give rise shall be decided by the Permanent Court of International Justice, to which such difficulties shall be submitted on the request of one or other of the Parties.

Article 9.

Previous to any arbitration proceedings or proceedings before the Permanent Court of International Justice under the conditions mentioned above, the dispute may, by agreement between the Parties, be submitted to the conciliation procedure provided for in the present Pact.

In the event of failure of conciliation the dispute may, after the expiration of the period laid down in Article 21, be submitted to the Permanent Court of International Justice or the Arbitral Tribunal, according to circumstances, under the conditions laid down in the preceding Articles.

Article 10.

All disputes coming under Article 3 which are not of a purely legal nature and are therefore not capable of being submitted to arbitration as provided for in Articles 5 to 9 above, shall be obligatorily submitted to the procedure of conciliation provided for in the following provisions.

Article 11.

On a request to that effect being made by one of the Contracting Parties to the other Party, a permanent Conciliation Commission shall be constituted within a period of three months.

Article 12.

The permanent Conciliation 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 or be habitually resident in the territories or be in the service of the Parties. If the President is not appointed within the period laid down in the preceding Article, or, in the case of replacement, within three months from the date on which the vacancy occurs, he shall be appointed, in the absence of agreement between the Parties and on the request of one of them, by the President of the Swiss Confederation if the latter agrees thereto.

The commissioners shall be appointed for three years. They shall be re-eligible. They shall continue in office until they are replaced and, in any case, until the expiration of their mandate.

As long as proceedings have not been opened, each of the High Contracting Parties shall be entitled to recall the commissioner appointed by it and to appoint 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 term of office, recall, death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the appointments.

Article 13.

Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President the by 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 the 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, the other Party shall without delay be notified by it.

Article 14.

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 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 15.

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

Article 16.

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 17.

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 Chapter III of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 18.

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

Article 19.

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 to request that any person 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 20.

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 the means at their disposal under their laws to enable it to proceed to the summoning and hearing of witnesses or experts.

Article 21.

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

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

Article 22.

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

Article 23.

During the proceedings of the Commission, 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 24.

If one of the Parties does not accept the proposals of the Conciliation Commission or does not take a decision within the period laid down in the Commission's report, the question shall, at the request of either Party, be brought before the Council of the League of Nations, which shall decide in accordance with Article 15 of the Covenant of the League.

This provision shall not apply in the case provided for in Article 9.

Article 25.

The present Pact, which is in conformity with the Covenant of the League of Nations, may not be interpreted as restricting the duty of the League to take, at any time and notwithstanding any proceedings of conciliation and arbitration, whatever action may be deemed wise and effectual to safeguard the peace of the world.

Article 26.

The present Pact shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

The Pact shall come into force as soon as the ratifications have been exchanged. It is concluded for a period of ten years from the date of its coming into force.

If it has not been denounced six months before the expiration of this period, it shall be deemed to be renewed for a further period of five years, and similarly thereafter.

If conciliation proceedings or arbitral or judicial proceedings are pending on the expiration of the present Pact, they shall, unless the Parties otherwise agree, be continued in accordance with the provisions of the present Pact.

Done at Geneva in duplicate on the twenty-first day of March, one thousand nine hundred and twenty-eight.

(Signed) M. TITULESCO.

(Signed) A. MICHALAKOPOULOS.

[Quelle: League of Nations, Treaty Series, 1930, vol. 108, p. 189-199.]