

TREATY OF CONCILIATION AND ARBITRATION BETWEEN POLAND AND HUNGARY. SIGNED AT WARSAW, NOVEMBER 30, 1928

HIS EXCELLENCY THE PRESIDENT OF THE POLISH REPUBLIC and HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, desirous of strengthening the ties of friendship which unite Poland and Hungary, and of settling, as far as possible by conciliation or arbitration any disputes that may arise between the two countries, have resolved to conclude a Treaty with this object, and have appointed as their Plenipotentiaries:

HIS EXCELLENCY THE PRESIDENT OF THE POLISH REPUBLIC:
M. August ZALESKI, Minister for Foreign Affairs;

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY:
M. Louis WALKO, Minister for Foreign Affairs;

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

Article 1.

1. The High Contracting Parties undertake to submit to conciliation procedure, and, if necessary, to arbitration procedure, disputes of any kind which may arise between them and which it may not have been found possible to settle, within a reasonable time, through the diplomatic channel.
2. This provision shall not apply to disputes arising out of events prior to the present Treaty and belonging to the past.
3. 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 2.

Should the dispute, under the municipal law of one of the Contracting Parties, fall within the competence of the national Courts of that Party, the defendant Party may object to its being submitted to conciliation or arbitration procedure pending a decision with final effect by the competent judicial authority. In such case, the request for conciliation shall be made within one year at latest from the date of the aforementioned decision.

Article 3.

1. The task of conciliation shall be entrusted to a Conciliation Commission consisting of three members, who shall be appointed for each individual case as follows: the High Contracting Parties shall each appoint one Commissioner chosen from among their respective nationals, and shall jointly appoint the President of the Commission from among the nationals of third Powers.
2. If, within three months of the date on which one of the High Contracting Parties shall have notified the other of its intention to resort to conciliation procedure, the Commissioner of the other Party or the President of the Commission, to be chosen jointly by the High

Contracting Parties, has not been appointed, the President of the Swiss Confederation shall be requested to make these appointments.

Article 4.

1. The dispute shall be brought before the Conciliation Commission by means of an application addressed to the President by the two High Contracting Parties acting in agreement, or, failing agreement, by either of the Parties. The application shall contain a brief indication of the subject of the dispute, followed by an invitation to the Commission to take the necessary measures with a view to a settlement by conciliation.
2. If the application is submitted by one only of the Parties, that Party shall notify the second Party thereof without delay.

Article 5.

1. It shall be the duty of the Conciliation Commission to elucidate the questions in dispute, to collect all relevant information with that object, by enquiry or otherwise, and to endeavour to effect a settlement between the Parties. The Commission, after examining the case, may inform the Parties of the terms of settlement which it deems suitable, giving them a certain period within which to give their decision.
2. On the conclusion of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, that the Parties have come to an agreement, and if necessary, giving the terms of such agreement, or that it has been found impossible to effect a settlement between the Parties.
3. The proceedings of the Commission, unless otherwise agreed between the Parties, shall be concluded within six months of the date on which the dispute was submitted to the Commission.

Article 6.

Failing any special stipulation to the contrary, the Conciliation Commission shall determine its own procedure, which shall always provide for both Parties being heard. In the matter of enquiries, the Commission, unless it unanimously decides otherwise, shall proceed in conformity with the provisions of Part III (International Commissions of Enquiry), of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 7.

Unless otherwise agreed between the High Contracting Parties, the Conciliation Commission shall meet at the place selected by its President.

Article 8.

The proceedings of the Conciliation Commission shall not be conducted in public unless, with the consent of the High Contracting Parties, the Commission itself so decides.

Article 9.

1. The Parties shall be represented before the Conciliation Commission by agents, who shall act as intermediaries between them and the Commission; the Parties may, moreover, be assisted by counsel and experts appointed by them for that purpose, and may request that any persons whose evidence they consider of value shall be heard.

2. The Commission, for its part, shall have the right to request oral explanations from the agents, counsel and experts of both Parties, and from such persons as it may think fit to summon, subject to the consent of their Governments.

Article 10.

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

Article 11.

The High Contracting Parties undertake to facilitate the work of the Conciliation Commission, and in particular to supply it, to the best of their ability, with all relevant documents and information and to use the means at their disposal to enable it, in their territory and in accordance with their laws, to summon and hear witnesses or experts and to carry out enquiries on the spot.

Article 12.

Failing a settlement by conciliation, either of the High Contracting Parties may request that the case be submitted to arbitration, provided that the dispute in question is of a legal character.

Article 13.

1. The High Contracting Parties shall, in each individual case, draw up a special agreement setting forth clearly the subject of the dispute, the composition and special powers of the tribunal, and any other conditions decided upon between them.

2. The above-mentioned special agreement shall be embodied in an act requiring previous ratification by the respective Governments.

Article 14.

Unless otherwise stipulated, the arbitral procedure shall be governed by Articles 51 to 85 of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 15.

The provisions of Article 12 of the present Treaty shall not affect the right, if both Parties are willing, to submit a legal dispute, under a special agreement, to the Permanent Court of International Justice, subject to the conditions and in conformity with the procedure laid down in the Statute of the Court.

Article 16.

1. If, within six months following notice of an application for arbitration, the special agreement mentioned in Article 13 has not been drawn up, the Parties shall apply to a Special Commission, constituted as described below, to draw up the agreement.

2. Each Party shall appoint two persons, of whom only one may be a national of that Party. These persons shall together choose a President. Should they fail to agree, the President of the Swiss Confederation shall be requested to make the appointment.

3. The decision of the Special Commission shall be binding upon both Parties.

Article 17.

The Parties shall execute in good faith the award pronounced by the Tribunal.

Article 18.

The High Contracting Parties shall abstain, while the conciliation or arbitration procedure is in progress, from any act or measure liable to prejudice the acceptance of the Conciliation Commission's proposal or the execution of the award.

Article 19.

Each of the Parties shall defray its own costs and half the costs of the conciliation and arbitration procedure.

Article 20.

Disputes that may arise concerning the interpretation or execution of the present Treaty shall, unless otherwise agreed, be submitted direct to arbitration.

Article 21.

1. The present Treaty shall be ratified, and the exchange of ratifications shall take place at Budapest as soon as possible.
2. It shall come into force on the thirtieth day following the exchange of the instruments of ratification.
3. The Treaty is concluded for a period of three years, dating from its entry into force.
4. If it has not been denounced at least one year before the expiry of that period, it shall remain in force for a further period of three years, and similarly thereafter.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done at Warsaw, November 30, 1928, in duplicate.

(L. S.) (Signed) August ZALESKI.

(L. S.) (Signed) Louis WALKO.

[Quelle: League of Nations, Treaty Series, 1930, vol. 100, p. 69-77.]