

TREATY OF NEUTRALITY, CONCILIATION AND ARBITRATION BETWEEN HUNGARY AND TURKEY. SIGNED AT BUDAPEST, JANUARY 5, 1929

HIS MOST SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY and THE PRESIDENT OF THE TURKISH REPUBLIC, desirous of strengthening the bonds of friendship which exist between the two countries and of contributing towards the maintenance of world peace, have decided to conclude a Treaty of Neutrality, Conciliation and Arbitration and, for this purpose, have appointed as their Plenipotentiaries:

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

THE PRESIDENT OF THE TURKISH REPUBLIC:
M. BEHIDJ Bey, Turkish Envoy Extraordinary and Minister Plenipotentiary in Hungary;

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

Article 1.

Each of the High Contracting Parties undertakes not to enter into any political or economic agreement or any alliance directed against the other High Contracting Party.

Article 2.

Should one of the High Contracting Parties, despite his pacific attitude, be attacked by one or more third Powers, the other Party shall observe neutrality throughout the dispute.

Article 3.

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 has not been found possible to settle, within a reasonable time, through diplomatic channels.

This provision shall not apply to disputes arising out of facts prior to the present Treaty or belonging to the past.

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 4.

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

Article 5.

The formalities for conciliation and arbitration procedure shall form the subject of a Protocol of Procedure, to be annexed to the present Treaty.

Article 6.

The present Treaty shall not apply to questions relating, under international law, to sovereign rights.

Each of the High Contracting Parties shall state unilaterally, by a declaration in writing, whether the question comes within its rights of sovereignty.

Article 7.

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

Article 8.

The present Treaty shall be ratified and shall come into force on the day of the exchange of ratifications, which shall take place at Angora as soon as possible.

The Treaty shall be concluded for a period of five years, dating from its entry into force. If it has not been denounced at least one year before the expiry of that period, it shall remain in force for further successive periods of five years.

In faith whereof the Plenipotentiaries have signed the present Treaty.

Done at Budapest, January 5, 1929.

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

(L. S.) (Signed) BEHIC.

**PROTOCOL
GOVERNING CONCILIATION AND ARBITRATION PROCEDURE, ANNEXED TO THE
TREATY OF NEUTRALITY, CONCILIATION AND ARBITRATION BETWEEN
HUNGARY AND TURKEY.**

I. CONCILIATION PROCEDURE.

Article 1.

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.

If, within three months of the date on which one of the High Contracting Parties shall have notified the other of his 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 2.

The dispute shall be brought before the Conciliation Commission by means of a request addressed to the President by the two High Contracting Parties acting in agreement, or,

failing agreement, by one or other of the Parties. The request shall indicate briefly the subject of the dispute and shall invite the Commission to take the necessary measures with a view to arriving at an amicable settlement.

If the request is submitted by one only of the Parties, notification thereof shall be made without delay to the other.

Article 3.

It shall be the duty of the Conciliation Commission to elucidate the questions in dispute, with that object to collect all relevant information by means of an 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 and lay down a certain period within which they are to announce their decision.

On the conclusion of its proceedings, the Commission shall draw up a report 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.

The proceedings of the Commission, unless otherwise agreed between the Parties, shall be concluded within six months of the date on which the said Commission shall have taken cognizance of the dispute.

Article 4.

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 18, 1907, for the Pacific Settlement of International Disputes.

Article 5.

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

Article 6.

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

Article 7.

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 desirable shall be heard.

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 their Government's consent.

Article 8.

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

Article 9.

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

II. ARBITRATION PROCEDURE

Article 10.

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.

The above-mentioned special agreement shall be constituted by an exchange of notes between the Governments of the Contracting Parties.

Article 11.

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

Article 12.

The provisions of Article 4 of the present Treaty shall not affect the right 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 13.

If, within six months following notification of request for arbitration, the special agreement mentioned in Article 10 or Article 12 of the present Protocol has not been drawn up, either of the Parties shall have the right to submit the dispute, simply in virtue of an application, to the Permanent Court of International Justice.

Article 14.

The parties shall execute in good faith the award pronounced by the tribunal.

III. GENERAL PROVISIONS.

Article 15.

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 a case, the request for conciliation shall be made within one year at latest of the date of the afore-mentioned decision.

Article 16.

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

Article 17.

Each of the Parties shall defray its own costs, and the two Parties shall share equally the expenditure arising out of the conciliation and arbitration procedure.

Done at Budapest, January 5, 1929.

(Signed) Louis WALKO.

(Signed) BEHIC.

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