

PACT OF FRIENDSHIP, CONCILIATION AND JUDICIAL SETTLEMENT BETWEEN GREECE AND THE KINGDOM OF THE SERBS, CROATS AND SLOVENES. SIGNED AT BELGRADE, MARCH 27, 1929

THE PRESIDENT OF THE HELLENIC REPUBLIC and HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES,

Having regard to the ties of sincere friendship and mutual confidence which happily unite the two countries and desiring by a solemn act to affirm their desire to cooperate with a view to contributing towards the work of general peace.

Being equally desirous of maintaining the state of peace and political stability in accordance with the principles laid down in the Covenant of the League of Nations,

Considering that the faithful observance of the methods for the pacific settlement of international disputes renders it possible, without resort to force, to settle all questions on which States may differ,

Have decided for this purpose to conclude a Pact of Friendship, Conciliation and Judicial Settlement and have appointed as their Plenipotentiaries:

THE PRESIDENT OF THE HELLENIC REPUBLIC:

M. Alexandre CARAPANOS, Minister for Foreign Affairs;

HIS MAJESTY THE KING OF THE SERBS, CROATS AND SLOVENES:

Dr. Košta KOUMANOUDI, Minister for Foreign Affairs ad interim;

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

Article 1.

The two High Contracting Parties reciprocally undertake to lend each other mutual support and to cooperate cordially for the purpose of maintaining the order established by the Treaties of Peace of which they are both signatories, and of ensuring that the obligations laid down in the said Treaties are respected and fulfilled.

In the event of international complications, the two High Contracting Parties undertake that, if they agree that their joint interests are or may be threatened, they will confer as to the measures to be taken in common for safeguarding these interests.

Article 2.

The High Contracting Parties reciprocally undertake in no case to resort to war against each other.

This stipulation shall not, however, apply in the case of:

(1) The exercise of the right of self defence, that is to say, resistance to an infraction of the undertaking contained in the first paragraph;

(2) Action in pursuance of Article 26 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 in pursuance of Article 15, paragraph 7, of the Covenant of the League of Nations, provided that in this last event the action is directed against a State which was the first to attack.

Article 3.

The High Contracting Parties undertake to settle by pacific methods, in the manner provided for in the present Pact, all questions whatsoever on which they may differ and which it has not been possible to settle by the normal methods of diplomacy.

Article 4.

This undertaking shall not apply to:

- (1) Disputes arising prior to the conclusion of the present Pact;
- (2) Disputes concerning questions which by international law are solely within the jurisdiction of States;
- (3) Disputes concerning the territorial status of the Parties.

If a difference should arise between the Parties as to whether a dispute comes under one of the three above-mentioned exceptions, this preliminary question shall, without prejudice to the substance of the dispute and upon the request of either Party, be submitted to the Permanent Court of International Justice for arbitration.

Article 5.

Disputes for the settlement of which a special procedure is laid down in other conventions shall be settled in conformity with the provisions of those conventions.

Article 6.

The present Pact shall not affect the agreements in force by which conciliation procedure is established between the High Contracting Parties or by which they have assumed obligations to resort to arbitration or judicial settlement for the purpose of settling the dispute. If, however, these agreements provide only for a procedure of conciliation, then after such procedure has been followed without result, the provisions of the present Agreement concerning judicial settlement or arbitration shall be applied.

Article 7.

1. 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 judicial or administrative authorities, the Party in question may object to the dispute being submitted for settlement by the different methods laid down in the present Pact until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the Party which desires to resort to the procedures laid down in the present Pact must notify the other Party of its intention within a period of one year from the date of the aforementioned decision.

Article 8.

All disputes with regard to which the Parties are in conflict as to their respective rights shall be submitted for decision to the Permanent Court of International Justice unless the Parties agree, in the manner hereinafter provided, to have resort to a tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

Article 9.

If the Parties agree to submit the disputes mentioned in the preceding Article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected, and the procedure to be followed. In the absence of sufficient indications or particulars in the special agreement, the provisions of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary. If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

Article 10.

If the Parties 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 11.

1. In the case of disputes mentioned in Article 8, before any procedure before the Permanent Court of International Justice or any arbitral procedure, the Parties may agree to have recourse to the conciliation procedure provided for in the present Pact.
2. In the event of recourse to and failure of conciliation, neither Party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the Arbitral Tribunal referred to in Article 9 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

Article 12.

All disputes between the Parties other than the disputes mentioned in Article 8 shall be submitted obligatorily to a procedure of conciliation.

Article 13.

The disputes referred to in the preceding Article shall be submitted to a permanent or special Conciliation Commission constituted by the Parties.

Article 14.

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

Article 15.

Unless the Parties agree otherwise, the Conciliation Commission shall be constituted as follows:

(1) The Commission shall be composed of five members. The Parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The other three commissioners shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territories or be in the service of the Parties. The Parties shall appoint the President of the Commission from among them.

(2) The Commissioners shall be appointed for three years. They shall be re-eligible. The commissioners jointly appointed may be replaced during their period of office by agreement between the Parties. Either Party may, however, at any time replace the commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

(3) Vacancies occurring 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.

Article 16.

If, when a dispute arises, no Permanent Conciliation Commission appointed by the Parties is in existence, a special commission shall be constituted for the examination of the dispute within a period of three months from the date on which a request to that effect is made by one of the Parties to the other Party. The appointments shall be made in the manner laid down in the preceding Article unless the Parties decide otherwise.

Article 17.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles 14 and 16, the making of the necessary appointments shall be entrusted to a third Power chosen by agreement between the Parties or, on request of the Parties, to the President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each Party shall designate a different Power and the appointments shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, these two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

Article 18.

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the two Parties acting in agreement, or, in default thereof, by one or other of the Parties.

2. The application, after giving a summary account of 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.

3. If the application emanates from only one of the Parties, the other Party shall without delay be notified by it.

Article 19.

1. Within fifteen days from the date on which a dispute has been brought by one of the Parties before a Permanent Conciliation Commission, either Party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. 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 20.

1. In the absence of agreement to the contrary between the Parties, the Conciliation Commission shall meet at the seat of the League of Nations or at some other place selected by its President.

2. The Commission may in all circumstances request the Secretary-General of the League of Nations to afford it his assistance.

Article 21.

The work of the Conciliation Commission shall not be conducted in public, unless a decision to that effect is taken by the Commission with the consent of the Parties.

Article 22.

1. In the absence of agreement to the contrary between the Parties, the 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 Part II of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

2. The Parties shall be represented before the Conciliation Commission by agents whose duty 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 desirable shall be heard.

3. 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 23.

In the absence of agreement to the contrary between the Parties, the decisions of the Conciliation Commission shall be taken by a majority vote and the Commission may only take decisions on the substance of the dispute if all its members are present.

Article 24.

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 the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

Article 25.

1. 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.
2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

Article 26.

1. The task of the Conciliation Commission shall be to elucidate the 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 lay down a period within which they are to make their decision.
2. At the close of its proceedings, the Commission shall draw up a procès-verbal stating, as the case may be, either that the Parties have come to an agreement, and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the procès-verbal of whether the Commission's decisions were taken unanimously or by a majority vote.
3. The proceedings of the Commission must, unless the Parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognisance of the dispute.

Article 27.

The Commission's procès-verbal shall be communicated without delay to the Parties. The Parties shall decide whether it shall be published.

Article 28.

Should the Parties not have reached an agreement within a month from the termination of the proceedings of the Conciliation Commission, the question may, if the Parties agree thereto, be brought before an Arbitral Tribunal. (This provision shall not apply in the case provided for in Articles 8 and 11).

In such case the Arbitral Tribunal shall, unless the Parties otherwise agree, be constituted as follows:

Article 29.

- (a) The Arbitral Tribunal 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 appointments shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the Powers so chosen have been unable to reach an agreement, 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 indications or particulars in the special agreement regarding the points indicated in the previous paragraph, the provisions of the Hague Convention of October 18, 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 of the Permanent Court of International Justice. In so far as there exist no such rules applicable to the dispute, the Tribunal shall decide *ex œquo et bono*.

Article 30.

If on the expiration of the month following the termination of the proceedings of the Conciliation Commission, the Parties have not agreed, in accordance with Article 28 above, to submit the dispute to an Arbitral Tribunal, the dispute shall be dealt with under Article 15 of the Covenant of the League of Nations.

Article 31.

1. In all cases where a dispute forms the object of arbitration or judicial proceedings and in particular, 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 the Arbitral Tribunal, shall lay down, within the shortest possible time, the provisional measures to be adopted. The Parties shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the Parties the adoption of such provisional measures as it considers suitable.

3. The Parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial decision or arbitral award, or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any act whatsoever which might aggravate or extend the dispute.

Article 32.

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 does not permit or only partially permits the consequence 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.

Article 33.

The present Pact shall be applicable as between the High Contracting Parties even though a third Power has an interest in the dispute.

Article 34.

Disputes relating to the interpretation or application of the present Pact, including those concerning the classification of disputes and the scope of the reservations, shall be submitted to the Permanent Court of International Justice.

Article 35.

The present Pact, the interpretation or application of which may not in any way affect the rights and obligations of the High Contracting Parties in virtue of the Covenant of the League of Nations and in virtue of the provisions of treaties previously concluded by the High Contracting Parties and communicated to the League of Nations for registration in accordance with Article 18 of the Covenant, shall be communicated to the League of Nations for registration in accordance with that Article.

Article 36.

The present Pact shall be ratified as soon as possible and shall come into force immediately after the exchange of ratifications, which shall take place at Athens. It shall be concluded for a period of 5 (five) years, dating from the exchange of the instruments of ratification. If it is not denounced six months before the expiration of this period, it shall remain in force for a further period of five years.

In faith whereof the Plenipotentiaries have signed the present Pact.

Done at Belgrade on the twenty-seventh day of March, one thousand nine hundred and twenty-nine.

A. CARAPANOS.

Dr. KOUMANOUDI.

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