

GENERAL ACT OF CONCILIATION, ARBITRATION AND JUDICIAL SETTLEMENT. SIGNED AT BELGRADE, MAY 21, 1929.

In force, November 16, 1929

The President of the Czechoslovak Republic, His Majesty the King of Roumania, and His Majesty the King of the Serbs, Croats and Slovenes, inspired by the friendly relations existing between their respective nations and imbued with the spirit of confident cordiality which characterises their reciprocal intercourse;

Sincerely desirous of ensuring, by pacific means, the settlement of any disputes which may arise between their countries;

Noting that respect for the rights established by treaties or arising out of international law is binding upon international courts;

Recognising that the rights of each State cannot be modified without its consent;

Considering that the faithful observance, under the auspices of the League of Nations, of methods of pacific procedure will permit of the settlement of all international disputes;

Highly appreciating the recommendation made to all States by the Assembly of the League of Nations, in its resolution of September 26, 1928, to conclude conventions for the pacific settlement of international disputes;

Have resolved to give effect to their common intention in a Convention, and with that object have appointed as their Plenipotentiaries:

The President of the Czechoslovak Republic: Edvard Beneš;

His Majesty the King of Roumania: George Mironescu;

His Majesty the King of the Serbs, Croats and Slovenes: Kosta Kumanudi.

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

Chapter I

Pacific Settlement in General

Article 1.

Disputes of every kind which may arise between the High Contracting Parties, or between two of them, and which it has not been possible to settle by diplomacy shall be submitted, under the conditions laid down in the present Convention, for settlement by judicial means or arbitration, preceded, according to circumstances, as a compulsory or optional measure, by recourse to the procedure of conciliation.

This provision does not apply to disputes arising out of events prior to the present Convention and belonging to the past, or to disputes relating to questions which, according to international law, fall within the sole competence of the States.

Art. 2.

1. 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 contentions.

2. The present Convention shall not affect any agreements in force by which conciliation procedure is established between the High Contracting Parties or by which the High Contracting Parties 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, the provisions of the present Convention concerning judicial settlement or arbitration shall be applied after such procedure has been followed without result.

Art. 3.

1. In the case of a dispute the occasion of which, according to the municipal law of one of the High Contracting Parties, falls within the competence of the judicial authorities, the Party in question may object to the dispute being submitted for settlement by the various procedures laid down in the present Convention.

2. A dispute which falls within the competence of the administrative authorities may not be submitted for settlement by the various procedures laid down in the present Convention until a final decision has been pronounced, within a reasonable time, by the competent authority.

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

Chapter II

Judicial Settlement

Art. 4.

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 an arbitral 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.

Art. 5.

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 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.

Art. 6.

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.

Art. 7.

1. In the case of the disputes mentioned in Article 4, before any procedure before the Permanent Court of International Justice or any arbitral tribunal, the Parties may agree to have recourse to the conciliation procedure provided for in the present Convention.

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 5 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

CHAPTER III

Conciliation

Art. 8.

All disputes between the Parties other than the disputes mentioned in Article 4 shall be submitted obligatorily to a procedure of conciliation before they can form the subject of a settlement by arbitration.

Art. 9.

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

Art. 10.

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 six months.

Art. 11.

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 three other 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 territory nor be in the service of the Parties concerned. The High Contracting Parties shall appoint the President of the Commission from among their number.

(2) The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the Parties. Any one of the High Contracting Parties 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 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 nominations.

Art. 12.

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 necessary appointments shall be made in the manner laid down in the preceding Article, unless the Parties decide otherwise.

Art. 13.

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles 10 and 12, 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 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 appointment shall be made jointly 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.

Art. 14.

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 steps 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.

Art. 15.

1. Within fifteen days from the date on which a dispute has been brought by one of the Parties before a permanent Conciliation Commission, any 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 it received the notification.

Art. 16.

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

Art. 17.

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.

Art. 18.

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 III 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.

Art. 19.

In the absence of agreement to the contrary between the Parties, 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.

Art. 20.

The High Contracting 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.

Art. 21.

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.

Art. 22.

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 the 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 as to whether the Commission's decisions were taken unanimously or by a majority vote.

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

Art. 23.

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

Chapter IV

Settlement by Arbitration

Art. 24.

If the Parties have not reached an agreement within a month from the termination of the proceedings of the Conciliation Commission mentioned in the previous Articles, the question shall be brought before arbitral tribunal which, unless the Parties agree otherwise, shall be constituted in the manner indicated below.

Should, however, both Parties agree, the question may, if it is a political one, be submitted to the Council of the League of Nations, which shall decide in accordance with Article 15 of the Covenant.

Art. 25.

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 umpire shall be chosen by agreement from among the nationals of third Powers. They must be of different nationalities, and must not be habitually resident in the territory or be in the service of the Parties concerned.

Art. 26.

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 jointly 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 if he 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 if he 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.

Art. 27.

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

Art. 28.

The Parties shall draw up a special agreement determining the subject of the dispute and the details of the procedure.

Art. 29.

In the absence of sufficient particulars in the special agreement regarding the matters referred to in the preceding Article, the provisions of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary.

Art. 30.

Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal is constituted, the dispute may be brought before the Tribunal by an application from one or other Party.

Art. 31.

If nothing is laid down in the special agreement or no special agreement has been made, the Tribunal shall apply the rules in regard to the substance of the dispute enumerated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as there exists no such rules applicable to the dispute, the Tribunal shall decide *ex aequo et bono*.

Chapter V
Disputes between the three Contracting Parties

Art. 32.

Should a dispute arise between all the High Contracting Parties, the following rules shall be Observed with regard to the procedures described in the foregoing provisions:

As regards conciliation procedure, a special commission shall always be set up. The composition of the commission shall vary according to whether all the Parties have separate interests, or two of them act conjointly.

In the former case, the Parties shall each appoint one commissioner, and shall jointly appoint commissioners, nationals of third Powers, who shall number one more than the commissioners appointed separately by the Parties.

In the latter case, the Parties acting conjointly shall agree to appoint their own commissioner jointly, and at the same time agree with the other Party as regards the appointment of the commissioners chosen from among the nationals of third Powers.

In either case the Parties shall, unless they agree otherwise, apply Articles 12 et seq. of the present Convention in so far as these are compatible with the provisions of the present Article.

As regards judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

As regards arbitration, if the Parties fail to agree on the composition of the tribunal, any Party may, in the case of disputes referred to in Article 4, bring the dispute by an

application direct before the Permanent Court of International Justice; in the case of disputes referred to in Article 8, Articles 25 et seq. shall apply, but each of the Parties which has separate interests shall appoint one arbitrator and the arbitrators appointed separately by the Parties shall always number one less than the other arbitrators.

Chapter VI General Provisions

Art. 33.

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 on 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 comply with 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 on the execution of the judicial decision or arbitral award or on the arrangements proposed by the Conciliation Commission, and, in general, to abstain from any act whatsoever which might aggravate or extend the dispute.

Art. 34.

If in the judicial decision or arbitral award it is declared that a judgment or a measure enjoined by a court of law or any other authority of one of the Parties to the dispute is wholly or partly contrary to international law, and if the constitutional law of that Party does not allow or only imperfectly allows of the consequences of the judgment or measure in question being annulled, the Parties agree that the judicial decision or arbitral award shall grant the injured Party equitable satisfaction.

Art. 35.

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

2. In conciliation procedure, the Parties may agree to invite such third Power to intervene.

3. In judicial procedure or arbitration, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the Arbitral Tribunal a request to intervene as a third party.

It will be for the Court or the Tribunal to decide upon this request.

4. Whenever the question is one relating to the interpretation of a Convention to which States other than those concerned in the case are Parties, the Registrar of the Permanent Court of International Justice or the Arbitral Tribunal shall notify all such States forthwith.

Every State so notified has the right to intervene in the proceedings, but if it uses this right, the interpretation given in the decision shall be binding upon it.

Art. 36.

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

Art. 37.

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

Art 38.

1. The present Convention shall be ratified and the instruments of ratification shall be exchanged at Bucharest.

It shall be registered with the Secretariat of the League of Nations.

2. The present Convention shall remain in force for a period of five years from the date of the exchange of ratifications.

3. Unless denounced at least six months before the expiration of this period, it shall remain in force for a further period of five years, and similarly thereafter.

4. Notwithstanding denunciation by one of the Contracting Parties, all proceedings pending at the expiration of the current period of the Convention shall be duly completed.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Convention.

Done at Belgrade in triplicate on May the twenty-first, one thousand nine hundred and twenty-nine.

Dr. Edvard Beneš, G. G. Mironescu, Dr. K. Kumanudi

Quelle: Hudson, Manley O. (Editor): International Legislation. A Collection of the Texts of Multipartite International Instruments of General Interest, Volume IV, Washington 1931, p. 2710-2724.