

TREATY OF CONCILIATION AND ARBITRATION BETWEEN ESTONIA AND HUNGARY. SIGNED AT TALLINN, NOVEMBER 27, 1929

THE HEAD OF THE REPUBLIC OF ESTONIA and HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY, being desirous of strengthening still further the ties of friendship which unite Estonia and Hungary and of settling as far as possible by means of conciliation and arbitration any disputes that may arise between the two countries, have resolved to conclude a treaty for this purpose, and have appointed as their Plenipotentiaries:

THE HEAD OF THE REPUBLIC OF ESTONIA:

M. Jaan LATTIK, Minister for Foreign Affairs;

HIS SERENE HIGHNESS THE REGENT OF THE KINGDOM OF HUNGARY:

M. Michel JUNGERTH, Hungarian Chargé d'Affaires in Estonia;

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

Article 1.

The High Contracting Parties undertake to submit to a procedure of conciliation and, if necessary, to a procedure of arbitration, all disputes of any kind which may arise between them and which it has not been possible to settle in a reasonable time through the diplomatic channel.

This provision does not apply to disputes arising out of events prior to the present Treaty and 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 2.

In the case of a dispute which, according to the municipal law of one of the Contracting Parties, falls within the competence of the national courts of such Party, the Party in question may object to the matter in dispute being submitted for settlement by a procedure of conciliation or arbitration until a decision with final effect has been pronounced by the competent judicial authority. In such cases, the request for conciliation must be made within one year, at most, from the date of the aforementioned decision.

Article 3.

The conciliation shall be entrusted to a Conciliation Commission composed of three members who shall, in each particular case, be appointed as follows, that is to say: the High Contracting Parties shall each nominate a Commissioner chosen from among their respective nationals, and shall appoint, by common agreement, the President of the Commission from among the nationals of third Powers.

If, within a period of three months from the date on which one of the High Contracting Parties shall have notified the other of its intention to have recourse to the procedure of conciliation, the nomination of the Commissioner to be appointed by the other Party, or the

designation of the President of the Commission by common agreement between the High Contracting Parties, has not taken place, the President of the Swiss Confederation shall be requested to make the necessary appointments.

Article 4.

The Conciliation Commission shall be informed by means of a request addressed to the President by the two High Contracting Parties acting in agreement, or, in the absence of such agreement, by one or other of the Parties. The request, after having given 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 settlement.

If the request emanates from only one of the Parties, notification thereof shall be made without delay to the other Party.

Article 5.

The task of the Conciliation Commission shall be to elucidate 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.

At the close of its proceedings the Commission shall draw up a report stating, as the case may be, either that the Parties have come to an agreement, and, if necessary, the terms of the agreement, or that it has been impossible to effect a settlement.

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

Article 6.

Failing any special provision to the contrary, 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 Chapter III (International Commissions of Enquiry) of the Hague Convention of October 18, 1907, for the Pacific Settlement of International Disputes.

Article 7.

The Conciliation Commission shall meet, in the absence of agreement by the High Contracting Parties to the contrary, at a place selected by its President.

Article 8.

The proceedings of the Conciliation Commission shall not be public except when a decision to that effect has been taken by the Commission with the consent of the High Contracting Parties.

Article 9.

The Parties shall be represented before the Conciliation Commission by agents, whose duty it 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 request that all persons whose evidence appears to them useful should be heard.

The Commission on its side shall be entitled to request oral explanations from the agents, counsel and experts of the two Parties, as well as from all persons it may think useful to summon with the consent of their Government.

Article 10.

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

Article 11.

The High Contracting Parties undertake to facilitate the work of the Conciliation Commission, and particularly 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 12.

In the event of no agreement being reached by conciliation, either High Contracting Party may request that the dispute should be submitted to arbitration, provided that it comes within one of the classes of legal disputes concerning:

- (a) The interpretation of a treaty;
- (b) Any question of international law;
- (c) The existence of any fact which, if established, would constitute a breach of an international obligation;
- (d) The nature or extent of the reparation to be made for the breach of an international obligation.

In the event of disagreement as to whether the dispute comes within one of the above-mentioned classes of disputes, this preliminary question shall be submitted to arbitration.

If the arbitral tribunal recognises that the dispute is capable of being settled by arbitration within the meaning of the present Treaty, it shall at the same time give a decision on the substance of the dispute.

Article 13.

In each individual case, the High Contracting Parties shall draw up a special agreement clearly setting forth the subject of the dispute, the composition and the special powers of the tribunal and any other conditions which they may agree to establish.

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

Article 14.

In the absence of any agreement to the contrary, 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 do not affect the right to submit a dispute of a legal character, by means of a special agreement, to the Permanent Court of International Justice under the conditions and according to the procedure laid down in its Statute.

Article 16.

If the special agreement mentioned in Articles 13 and 15 respectively is not drawn up within the six months following the notification of a request for arbitration, either Party may bring the dispute before the Permanent Court of International Justice by a simple application.

Article 17.

The award of the Tribunal shall be acted upon by the Parties in good faith.

Article 18.

During the course of proceedings of conciliation or arbitration, the High Contracting Parties shall abstain from all actions and all measures likely to exert any influence prejudicial to the acceptance of the proposals of the Conciliation Commission or to the execution of the award.

Article 19.

Each Party shall bear its own costs and one half of the costs of conciliation and arbitration procedure.

Article 20.

Any disputes which may arise as to the interpretation or execution of the present Treaty shall, unless otherwise agreed, be submitted direct to arbitration.

Article 21.

The present Treaty shall be ratified and the exchange of ratifications shall take place at Tallinn as soon as possible.

The Treaty is concluded for a period of ten years from the date of the exchange of ratifications. Unless denounced at least one year before the expiration of this period, it shall remain in force for a further period of ten years, and similarly thereafter.

In faith whereof the Plenipotentiaries have signed the present Treaty.

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

(L. S.) J. LATTIK.

(L. S.) M. JUNGERTH.

[Quelle: League of Nations, Treaty Series, 1930, vol. 106, p. 333-341.]