

**TREATY OF FRIENDSHIP, NON-AGGRESSION, ARBITRATION AND
CONCILIATION BETWEEN ROUMANIA AND TURKEY.
SIGNED AT ANKARA, OCTOBER 17TH, 1933**

HIS MAJESTY THE KING OF ROUMANIA

and

THE PRESIDENT OF THE TURKISH REPUBLIC,

Being equally solicitous for the maintenance of general peace,

Convinced that Roumania and Turkey should co-operate in a spirit of mutual confidence in preparing for the pacific settlement of any disputes that may arise between them,

Mindful that both States are signatories to the Pact of Paris of August 27th, 1928, for the renunciation of war and the Conventions of July 3rd and 4th, 1933, defining aggression,

And desirous, in the common interest of both countries, of strengthening the bonds of friendship between them, which constitute a pledge to them for the future,

Have decided to conclude with one another the present Treaty of Friendship, Non-Aggression, Arbitration and Conciliation,

And for this purpose have appointed as their Plenipotentiaries:

HIS MAJESTY THE KING OF ROUMANIA:

His Excellency Monsieur Nicolas TITULESCO, Minister for Foreign Affairs of Roumania;

THE PRESIDENT OF THE TURKISH REPUBLIC:

His Excellency Doctor Tevfik RÜŞTÜ Bey, Minister for Foreign Affairs of Turkey, Deputy of Izmir;

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

Article 1.

There shall be inviolable peace and sincere and perpetual friendship between the Kingdom of Roumania and the Turkish Republic and their people.

Article 2.

Faithful to their undertakings that neither, as against the other, shall resort to war as an instrument of national policy, or to acts of aggression as defined by the Conventions of July 3rd and 4th, 1933, and accordingly to refrain from participation in any act of aggression committed by a third party, the two High Contracting Parties further undertake to condemn any act of aggression or participation in any act of aggression whatsoever attempted by third parties, or any aggressive agreement against either country.

Article 3.

The High Contracting Parties undertake to settle by conciliation, judicial settlement or arbitration, in the manner hereinafter provided, all disputes arising out of situations or events prior to the entry into force of the present Treaty, with regard to which the Parties are in conflict as to their respective rights and which it has not been possible to settle by the ordinary diplomatic methods within a reasonable period.

In so far as the application of the present Agreement is concerned, the two High Contracting Parties maintain the reservations which they made on acceding to the Optional Clause of Article 36 of the Statute of the Permanent Court of International Justice. It is also understood that the above-mentioned undertaking does not extend to:

- (1) Disputes relating to the claims of private individuals against either High Contracting Party which will be definitively settled by the competent national Courts of either High Contracting Party;
- (2) Disputes relating to questions which, according to international law, come within the exclusive jurisdiction of the States, such as municipal law or concern the exercise of sovereign rights;
- (3) Disputes concerning the territorial status of the Parties.

Article 4.

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 5.

If the Parties agree to submit the dispute to an arbitral tribunal, they shall draw up a special agreement.

Should they not agree to rely solely on the Hague Convention of October 18th, 1907, for the pacific settlement of international disputes, this special agreement should determine not only the choice of arbitrators and the subject of the dispute but the procedure to be followed and the rules regarding the substance of the dispute to be applied by the arbitrators.

Article 6.

If the Parties agree to submit the dispute to an arbitral tribunal and 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 7.

The decision of the Permanent Court of International Justice or the award of the arbitral tribunal shall be executed by the Parties in good faith.

Any difficulties that may arise out of the interpretation or execution of the decisions of the Permanent Court of International Justice or arbitral awards given in the above conditions shall be settled by the Permanent Court of International Justice, to which they may be referred at the request of either Party.

Article 8.

Pending any arbitral procedure or procedure before the Permanent Court of International Justice in the above conditions, the dispute may by common agreement between the Parties be submitted to the conciliation procedure laid down in the present Agreement.

In the event of the failure of conciliation the dispute may be referred, after the expiration of the time-limit laid down in Article 21, to the Permanent Court of International Justice or to the arbitral tribunal, as the case may be, under the conditions laid down in the preceding Articles.

Article 9.

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

Article 10.

The Permanent Conciliation Commission shall be composed of three members. The High Contracting Parties shall each nominate a commissioner chosen from among their respective nationals.

They shall appoint the President by common agreement. He shall not be a national of the High Contracting Parties, nor be habitually resident in their territories, nor be employed in their service. If the appointment of the President is not made within the period provided for in the preceding Article, or in the case of a vacancy within three months from the date on which the vacancy occurs, he shall be appointed, in the absence of an agreement between the Parties, and at the request of either Party, by the Head of State of a Power to be designated by common agreement, subject to the consent of the said Head of State.

The commissioners shall be appointed for three years. They shall be re-eligible. They shall continue to exercise their functions until they are replaced and in any event until the expiration of their mandate.

Until the proceedings are opened, each High Contracting Party may recall the commissioner appointed by it and appoint a successor. It may also withdraw its approval of the appointment of the President.

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

Article 11.

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. The application, after giving an 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.

If the application emanates from only one of the Parties, the other Party shall be notified by it at the same time.

Article 12.

Within fifteen days from the date on which a dispute has been brought by one of the Parties before the 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.

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.

Article 13.

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

Article 14.

The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information, and to endeavour to bring the Parties to an agreement.

After the case has been examined, it shall draw up a report formulating proposals for the settlement of the dispute.

Article 15.

The procedure of the Conciliation Commission shall provide for the hearing of both Parties.

The Commission shall lay down its own procedure, taking account, in the absence of unanimous agreement to the contrary, of the provisions of Part III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

Article 16.

The Commission's proceedings shall be conducted in camera, unless, in agreement with the Parties, it decides otherwise.

Article 17.

The Parties shall be entitled to be represented before the Commission by agents, counsel and experts who shall, at the same time, act as intermediaries between them and the Commission, and shall request that all persons whose evidence appears to them desirable shall be heard.

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 18.

The 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 all the means at their disposal, in accordance with their law, to allow it to proceed to the summoning and hearing of witnesses or experts.

Article 19.

The Conciliation Commission shall present its report within four months of the day on which the dispute was brought before it, unless the Parties agree to prolong this period.

A copy of the report shall be handed to each Party. The report shall not have the character of an arbitral award, either as regards the statement of facts or as regards the legal arguments.

Article 20.

The Conciliation Commission shall prescribe the period within which the Parties must give their decision as to the proposals for a settlement contained in its report. This period shall not exceed three months.

Article 21.

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.

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

Article 22.

The present Treaty shall be ratified and the instruments of ratification shall be exchanged as soon as possible.

The Treaty shall come into force on the date of the exchange of ratifications.

It shall be concluded for a period of ten years from the date on which it comes into force.

Unless denounced six months before the expiration of this period, it shall be deemed to be renewed for a further period of five years and similarly thereafter.

If conciliation, arbitral or judicial proceedings are pending at the time of the expiration of the present Treaty, such proceedings shall be continued in conformity with the provisions of the present Treaty, unless the Parties agree otherwise.

Done at Ankara, in duplicate, this seventeenth day of October, one thousand nine hundred and thirty-three.

(L. S.) (Signed) N. TITULESCO.

(L. S.) (Signed) Dr. T. RÜŞTÜ.

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