



Treaty Series No. 20 (1955)

Agreement

between the Government of the United Kingdom of
Great Britain and Northern Ireland and the Government of Greece
regarding the Submission to Arbitration
of the Ambatielos Claim

London, February 24, 1955

*Presented by the Secretary of State for Foreign Affairs to Parliament
by Command of Her Majesty
April 1955*

LONDON
HER MAJESTY'S STATIONERY OFFICE
THREEPENCE NET

Cmd. 9425

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND AND THE GREEK GOVERNMENT REGARDING THE SUBMISSION TO ARBITRATION OF THE AMBATIELOS CLAIM

London, February 24, 1955

The Government of the United Kingdom of Great Britain and Northern Ireland and the Royal Hellenic Government:

Considering

(1) that the International Court of Justice, acting in virtue of Article 29 of the Anglo-Greek Treaty of Commerce and Navigation of July 16, 1926,⁽¹⁾ has decided by a Judgment delivered on May 19, 1953, that the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter called the United Kingdom Government) are under an obligation to submit to arbitration in accordance with the Anglo-Greek Declaration of July 16, 1926 (hereinafter called the 1926 Declaration) the difference as to the validity under the Anglo-Greek Treaty of Commerce and Navigation of November 10, 1886⁽²⁾ (hereinafter called the 1886 Treaty) of the claim presented by the Royal Hellenic Government on behalf of Mr. Nicolas Eustache Ambatielos (hereinafter called the Ambatielos claim);

(2) that the 1926 Declaration provides that any differences which may arise between the two Governments as to the validity of claims on behalf of private persons based on the provisions of the 1886 Treaty shall, at the request of either Government, be referred to arbitration in accordance with the provisions of the Protocol of November 10, 1886 (hereinafter called the 1886 Protocol) annexed to the 1886 Treaty; and

(3) that the 1886 Protocol provides that any controversies which may arise respecting the interpretation or the execution of the 1886 Treaty, or the consequences of any violation thereof, shall be submitted, when the means of settling them directly by amicable agreement are exhausted, to the decisions of Commissions of Arbitration, the result of such arbitration to be binding upon both Governments, and also that the members of such Commissions shall be selected by the two Governments by common consent:

Have decided to conclude an Agreement with a view to submitting the Ambatielos claim to arbitration in conformity with the above provisions and for that purpose have appointed as their plenipotentiaries:

The United Kingdom Government:

Sir Ivone Kirkpatrick, G.C.M.G., K.C.B., Permanent Under-Secretary of State for Foreign Affairs;

The Royal Hellenic Government:

His Excellency Monsieur Basile Mostras, Ambassador Extraordinary and Plenipotentiary of Greece in London;

(1) "Treaty Series No. 2 (1927)," Cmd. 2790.

(2) "Commercial No. 8 (1887)," C. 4999.

Who, having exhibited their respective full powers, found in good and due form,

Have agreed as follows:—

ARTICLE 1

(a) The Commission of Arbitration (hereinafter called the Commission) shall be composed of:

- Monsieur Ricardo J. Alfaro
- Monsieur Algot J. F. Bagge
- Monsieur Maurice Bourquin
- Monsieur John Spiropoulos
- Gerald Thesiger, Esquire, Q.C.

(b) The President of the Commission shall be Monsieur Ricardo J. Alfaro.

(c) Should any Member of the Commission die or become unable to act, the vacancy shall be filled by a new Member appointed by the Government which nominated the Member to be replaced or by agreement between the two Governments, according to the manner of the original appointment.

ARTICLE 2

The Commission is requested to determine—

(a) the validity of the Ambatielos claim under the 1886 Treaty having regard to:

- (i) the question raised by the United Kingdom Government of undue delay in the presentation of the claim on the basis of the Treaty;
- (ii) the question raised by the United Kingdom Government of the non-exhaustion of legal remedies in the English Courts in respect of the acts alleged to constitute breaches of the Treaty;
- (iii) the provisions of the Treaty;

(b) in the event of the Commission holding that the claim is valid, whether the United Kingdom Government ought now in all the circumstances to pay compensation to the Royal Hellenic Government; and if so, the amount of such compensation.

ARTICLE 3

(a) The Commission shall, subject to the provisions of this Agreement, determine its own procedure and all questions affecting the conduct of the arbitration.

(b) In the absence of unanimity, the decisions of the Commission on all questions, whether of substance or procedure, shall be given by a majority vote of its Members, including all questions relating to the competence of the Commission, the interpretation of this Agreement, and the determination of the issues specified in Article 2 hereof.

ARTICLE 4

(a) The Parties shall, within fourteen days of the signature of the present Agreement, each appoint an Agent for the purposes of the arbitration, and shall communicate the name and address of their respective Agents to each other and to the Commission.

(b) Each Agent so appointed shall be entitled, as occasion may require and for such period as he may specify, to nominate a Deputy to act for him, upon making a similar communication of the Deputy's name and address.

ARTICLE 5

(a) The proceedings shall be written and oral.

(b) The written proceedings shall consist initially of a Case to be submitted by the Royal Hellenic Government within 4 months of the signature of the present Agreement and of a Counter-case to be submitted by the United Kingdom Government within 4 months of the submission of the Hellenic Case.

(c) The Commission shall have power to extend the above time-limits at the request of either Party.

(d) The oral hearing shall follow the written proceedings, and shall be held in private at such place and time as the Commission, after consultation with the two Agents, may determine.

(e) The Parties may be represented at the oral hearing by their Agents and by such Counsel and advisers as they may appoint.

ARTICLE 6

(a) The pleadings, written and oral, and the Commission's decisions, shall be either in the French or the English language.

(b) The Commission shall arrange for such translations and interpretations as may be requisite, and shall be entitled to engage all such technical, secretarial and clerical staff, and to make all such arrangements in respect of accommodation and the purchase or hire of equipment, as may be necessary.

ARTICLE 7

(a) The Commission shall deliver its decisions in writing, giving the reasons therefor, and shall transmit one signed copy to each Agent.

(b) Any question of subsequent publication of the proceedings shall be decided by agreement between the two contracting Governments.

ARTICLE 8

(a) The remuneration of Members of the Commission shall be borne equally by the two contracting Governments.

(b) The general expenses of the arbitration shall be borne equally by the two Governments, but each Government shall bear its own expenses incurred in or for the preparation and presentation of its case.

In witness whereof the above-mentioned plenipotentiaries have signed the present Agreement.

Done in duplicate at London, in the English language, the 24th day of February, 1955.

IVONE KIRKPATRICK.
B. MOSTRAS.