

BULGARIA

TREATIES OF ARBITRATION AND CONCILIATION BETWEEN THE UNITED STATES AND BULGARIA, SIGNED JANUARY 21, 1929

711.7412A/2

The Minister in Bulgaria (Wilson) to the Secretary of State

No. 960

SOPIA, February 2, 1927.

[Received March 4.]

SIR: When I was in Washington in 1921, Mr. Panaretoff, who was then Bulgarian Minister to the United States, told me that he was going to suggest to his Government the negotiation of an arbitration treaty between Bulgaria and the United States, and I believe I mentioned this fact to the then Director of the Division of Near Eastern Affairs. However, the internal situation of Bulgaria became such that the matter was apparently dropped, and later came the resignation of Mr. Panaretoff. I heard nothing more of the proposed arbitration treaty until 1924 when the Bulgarian-American Extradition and Naturalization Treaties were being negotiated. At that time an official from the Foreign Office asked me if I could let him have copies of some of the arbitration treaties which the United States had negotiated with other countries. A number of these were furnished to him but nothing more was heard of the matter at that time.

A few days ago the Secretary General of the Foreign Office telephoned me to say that he intended to telegraph the Bulgarian Minister in Washington that Bulgaria was willing to negotiate an arbitration treaty with the United States, and he inquired whether I knew if any suggestion along this line had ever been made by the Legation to the Bulgarian Government. I replied that I was certain that the Legation had never received any instruction to approach the Bulgarian Government on this matter, but that so far as I knew, the initiative had come as stated above, from Mr. Panaretoff, the Bulgarian Minister in Washington.

Yesterday an official from the Political Section of the Foreign Office, spoke to me about the proposed treaty again and said that telegraphic instructions would shortly be sent to Mr. Radeff to inquire whether the United States would be willing to make such a treaty with Bulgaria. He also inquired whether I did not think it would be preferable to have such a treaty signed in Sofia, to which

I replied that the place of signature could probably be best arranged between the State Department and Mr. Radeff.

I think, probably, the renewed interest shown in this matter of the Bulgarian-American proposed arbitration treaty may be attributed to the invitation on the part of the American Government to Mr. Hadji-Mischeff to be the non-national American member on the commission provided for in the American-Norwegian Arbitration [*sic*] Treaty.¹ As already reported, this choice of a Bulgarian as a member of the Commission has given the greatest satisfaction and pleasure to Bulgarian officials to whom it is known.

I have [etc.]

CHARLES S. WILSON

711.7412A/4: Telegram

The Secretary of State to the Minister in Bulgaria (Wilson)

[Paraphrase]

WASHINGTON, March 23, 1928—11 a. m.

4. This is for your information. Yesterday the Department informed the Bulgarian Minister that it is ready to conclude an arbitration treaty with Bulgaria, identical in effect with the treaty with France, signed February 6, 1928;² also a conciliation treaty based on the Bryan treaty with Great Britain, signed September 15, 1914.³ In about ten days' time the proposed texts will be furnished the Bulgarian Minister.

KELLOGG

711.7412A/7: Telegram

The Secretary of State to the Minister in Bulgaria (Wilson)

WASHINGTON, April 20, 1928—7 p. m.

7. The Department today handed to the Bulgarian Minister a draft of a proposed treaty of arbitration between the United States and Bulgaria and a draft of a treaty of similar purport to the so-called Bryan treaties.^{3a} The provisions of the draft treaty of arbitration operate to extend the policy of arbitration enunciated in the arbitration conventions concluded in 1908 between the United States and several other countries.^{3b} The language of this draft is identical in effect with that of the arbitration treaty recently signed with France and with the draft arbitration treaties already submitted to

¹ Presumably the Bryan Treaty for the Advancement of General Peace, signed June 24, 1914; *Foreign Relations*, 1914, p. 971.

² *Ibid.*, 1928, vol. II, p. 816.

³ *Ibid.*, 1914, p. 304.

^{3a} For index references to the Bryan treaties, see *ibid.*, p. 1130; *ibid.*, 1915, p. 1328; *ibid.*, 1916, p. 1007.

^{3b} For index references to treaties of 1908, see *ibid.*, 1908, p. 832; *ibid.*, 1909, p. 676.

other governments in the general program for the extension of these principles. The text of the proposed treaties will be forwarded in next pouch.

KELLOGG

711.7412A/10

The Secretary of State to the Minister in Bulgaria (Wilson)

No. 271

WASHINGTON, September 15, 1928.

SIR: The Department, in its No. 250 of April 30, 1928,⁴ informed you that, on April 20th, it had submitted to the Bulgarian Minister in Washington drafts of a proposed treaty of arbitration and of a proposed treaty of conciliation between the United States and Bulgaria. On April 23, 1928, the Bulgarian Minister advised the Department of the receipt of these drafts and of their communication by him to his Government.

This Government has now offered similar treaties of arbitration to thirty countries and similar treaties of conciliation to twenty countries and has proceeded to the signature of eight arbitration treaties and five conciliation treaties. It is desirable that as large a number as possible of these treaties shall be signed before the convening of Congress on December 3, in order that they may be submitted to the Senate for its advice and consent.

On the other hand, the Department desires to maintain as far as practicable the uniformity of this series of treaties and would avoid alterations at the suggestion of the other countries as far as possible. It would avoid, through an appearance of too great anxiety in the matter, inviting other countries to feel that they can readily obtain changes in the draft treaties.

Keeping the foregoing in mind, however, you are requested to make an effort to expedite the consideration of this matter by the Bulgarian Government and to encourage it to instruct its Minister at this capital to proceed to signature at an early date.

I am [etc.]

FRANK B. KELLOGG

711.7412A/13 : Telegram

The Chargé in Bulgaria (Kodding) to the Secretary of State

SOFIA, November 22, 1928—2 p. m.

[Received 3:42 p. m.]

30. Mr. Minkoff⁵ informs me that Bulgarian Legation in Washington was instructed yesterday by telegraph to sign the proposed treaties of arbitration and conciliation without modifications.

KODDING

⁴Not printed; see Department's telegram No. 7, *supra*.

⁵Secretary General of the Bulgarian Foreign Office.

Treaty Series No. 792

Arbitration Treaty Between the United States of America and Bulgaria, Signed at Washington, January 21, 1929^a

The President of the United States of America and His Majesty the King of the Bulgarians

Determined to prevent so far as in their power lies any interruption in the peaceful relations now happily existing between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a treaty of arbitration and for that purpose they have appointed as their respective Plenipotentiaries The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Bulgarians:

Mr. Simeon Radeff, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, having communicated to each other their full powers found in good and due form, have agreed upon the following articles:

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to an appropriate commission of conciliation, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907, or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

^a Ratification advised by the Senate, January 31, 1929; ratified by the President, February 14, 1929; ratified by Bulgaria, July 2, 1929; ratifications exchanged at Washington, July 22, 1929; proclaimed by the President, July 22, 1929.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of Bulgaria in accordance with its constitutional laws.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties,

(b) involves the interests of third Parties,

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine,

(d) depends upon or involves the observance of the obligations of Bulgaria in accordance with the Covenant of the League of Nations.

ARTICLE III

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by Bulgaria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]

S. RADEFF [SEAL]

Treaty Series No. 793

*Conciliation Treaty Between the United States of America and
Bulgaria, Signed at Washington, January 21, 1929*¹

The President of the United States of America and His Majesty the King of the Bulgarians, being desirous to strengthen the bonds of amity that bind their two countries together and also to advance

¹ Ratification advised by the Senate, January 31, 1929; ratified by the President, February 14, 1929; ratified by Bulgaria, July 2, 1929; ratifications exchanged at Washington, July 22, 1929; proclaimed by the President, July 22, 1929.

the cause of general peace, have resolved to enter into a treaty for that purpose, and to that end have appointed as their Plenipotentiaries:

The President of the United States of America:

Mr. Frank B. Kellogg, Secretary of State of the United States of America; and

His Majesty the King of the Bulgarians:

Mr. Simeon Radeff, His Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States;

Who, after having communicated to each other their respective full powers, found to be in proper form, have agreed upon and concluded the following articles:

ARTICLE I

Any disputes arising between the Government of the United States of America and the Government of Bulgaria, of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report to a permanent International Commission constituted in the manner prescribed in the next succeeding Article; and they agree not to declare war or begin hostilities during such investigation and before the report is submitted.

ARTICLE II

The International Commission shall be composed of five members, to be appointed as follows: One member shall be chosen from each country, by the Government thereof; one member shall be chosen by each Government from some third country; the fifth member shall be chosen by common agreement between the two Governments, it being understood that he shall not be a citizen of either country. The expenses of the Commission shall be paid by the two Governments in equal proportions.

The International Commission shall be appointed within six months after the exchange of ratifications of this treaty; and vacancies shall be filled according to the manner of the original appointment.

ARTICLE III

In case the High Contracting Parties shall have failed to adjust a dispute by diplomatic methods, and they do not have recourse to adjudication by a competent tribunal, they shall at once refer it to the International Commission for investigation and report. The International Commission may, however, spontaneously by unanimous agreement offer its services to that effect, and in such case it

shall notify both Governments and request their cooperation in the investigation.

The High Contracting Parties agree to furnish the Permanent International Commission with all the means and facilities required for its investigation and report.

The report of the Commission shall be completed within one year after the date on which it shall declare its investigation to have begun, unless the High Contracting Parties shall limit or extend the time by mutual agreement. The report shall be prepared in triplicate; one copy shall be presented to each Government, and the third retained by the Commission for its files.

The High Contracting Parties reserve the right to act independently on the subject matter of the dispute after the report of the Commission shall have been submitted.

ARTICLE IV

The present treaty shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by Bulgaria in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate, and hereunto affixed their seals.

Done at Washington the twenty-first day of January in the year of our Lord one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG [SEAL]

S. RADEFF [SEAL]