

Compromis of Arbitration
between
the Imperial Government of Russia and
the Imperial Ottoman Government
signed at Constantinople, July 22/August 4, 1910¹

The Imperial Government of Russia and the Imperial Ottoman Government, co-signatories of the Hague Convention of October 18, 1907 for the Pacific Settlement of International Disputes:

Considering the provisions of Article 5 of the Treaty signed at Constantinople between Russia and Turkey, January 27 / February 8, 1879, thus stated:

“The claims of Russian subjects and institutions in Turkey on the matter of indemnity for the damages suffered during the war will be paid according to how they will be examined by the Russian Embassy at Constantinople and forwarded to the Sublime Porte.

“The total of these claims shall not in any case exceed the sum of 26,750,000 francs.

“The end of one year after the exchange of ratifications is fixed as the date after which claims may be presented to the Sublime Porte, and the end of two years as the date after which no further claims will be admitted.”

Considering the additional explanation inserted in the Protocols of the same date stating:

“Concerning the end of one year fixed by this article as the date from which claims may be presented to the Sublime Porte, it is understood that an exception will be made thereto in favor of the claims of the Russian Hospital amounting to the sum of 11,200 pounds sterling.”

Considering that a disagreement has arisen between the Imperial Government of Russia and the Imperial Ottoman Government respectively as to consequences resulting from the dates on which the Imperial Ottoman Government has effected, on the amounts of the indemnities presented in accordance with the said Article 5, the following payments, namely:

	pounds Turkish	pi.	par.
In 1884	50,000	—	—
In 1889	50,000	—	—
In 1893	75,000	—	—
In 1894	50,000	—	—
In 1902	42,438	67	22/40

Considering that the Imperial Government of Russia holds that the Imperial Ottoman Government is responsible for interest-damages with regard to Russian claimants for the delay incidental to the settlement of its debt;

Considering that the Imperial Ottoman Government denies, both in fact and in law, the foundation of the claim of the Imperial Government of Russia;

Considering that the dispute could not be settled by diplomatic means;

And having resolved, in conformity with the provisions of the said Hague Convention, to settle this difference by submitting the question to arbitration;

Have for this purpose, authorized their representatives, the undersigned, namely:

¹ Unofficial translation from French to English, based on the version in GEORGE GRAFTON WILSON, THE HAGUE ARBITRATION CASES (1915).

For Russia,
His Excellency Monsieur TCHARYKOW, Ambassador of His Majesty the Emperor of Russia at Constantinople;
For Turkey,
His Excellency RIFAAT PACHA, Minister of Foreign Affairs,
To conclude the following *Compromis*:

ARTICLE 1

The Powers in dispute decide that the Arbitral Tribunal to which the question will be submitted as a last resort, shall be composed of five members who shall be appointed in the following manner:

Each Party, as soon as possible, within a period not exceeding two months after the date of this *Compromis*, shall appoint two Arbitrators, and the four Arbitrators thus appointed shall choose together an Umpire. In case that the four Arbitrators shall not, in the course of two months after their appointment, have chosen unanimously or by majority, an Umpire, the choice of an Umpire is entrusted to a third Power appointed by mutual agreement of the Parties. If, in the course of two more months, no agreement on this subject is reached, each Party selects a different Power and the choice of the Umpire is to be made jointly by the Powers thus selected.

If, within the period of two more months, these two Powers have not been able to reach an agreement, each of these proposes two candidates taken from the list of Members of the Permanent Court, exclusive of the Members of said Court selected by the two Powers or by the Parties, and being nationals of neither the one nor the other. The candidates should not, moreover, belong to the nationality of the Arbitrators appointed by the Parties to the present arbitration. The drawing of a lot will decide which of the candidates thus presented will be the Umpire.

The drawing of the lot shall be conducted under the supervision of the International Bureau of the Permanent Court at The Hague.

ARTICLE 2

The Powers in dispute will be represented before the Arbitral Tribunal by agents, counsel or advocates, in accordance with the provisions of Article 62 of the 1907 Hague Convention for the Pacific Settlement of International Disputes.

The agents, counsel or advocates shall be appointed by the Parties in time so that the arbitration proceedings may suffer no delay.

ARTICLE 3

The questions in dispute and upon which the Parties request the Arbitral Tribunal to give a final decision are the following:

I. Whether or not the Imperial Ottoman Government must pay the Russian claimants interest-damages by reason of the dates on which the said Government made payment of the indemnities determined in pursuance of Article 5 of the Treaty of January 27 / February 8, 1879, as well as the Protocol of the same date?

II. In case the first question is decided in the affirmative, what would be the amount of these interest-damages?

ARTICLE 4

The Arbitral Tribunal, when constituted, shall meet at The Hague at a date which shall be fixed by the Arbitrators and within the period of one month of the appointment of the Umpire. After the settlement – in conformity with the text and the spirit of the Convention of The Hague of 1907 – of all questions which may have arisen and were not provided for by the present *Compromis*, the said Tribunal shall adjourn its next meeting to a date which it will fix.

However, it is agreed that the Tribunal will not open the oral discussions on the questions in dispute before two months, nor later than three months, which follow the submission of the Counter-Case or the Counter-Reply provided for by Article 6 and stipulated contingently in Article 8.

ARTICLE 5

The arbitral procedure will comprise two distinct phases: the written pleadings and the oral discussions which consist of the oral development of the pleas of the Parties before the Tribunal.

The only language of which the Tribunal will make use and of which the use will be authorized before the Tribunal will be French.

ARTICLE 6

Within a period of eight months at the latest after the date of the present *Compromis*, the Imperial Government of Russia must deliver to each of the members of the Arbitral Tribunal one set, and to the Imperial Ottoman Government ten sets, of a complete copy of its Case, written or printed, containing all papers in support of its suit and having reference to the two questions mentioned in Article 3.

Within a period of eight months at the latest after this delivery, the Imperial Ottoman Government must deliver to each of the members of the Tribunal as well as to the Imperial Government of Russia, as many complete sets of its Counter-Case as above, the copies in manuscript or printed, with all the papers in support, but confining attention to question No. I of Article 3.

Within the period of three months after this delivery, the Imperial Government of Russia will notify the President of the Arbitral Tribunal if it intends to present a Reply. If such is the case, it will have a period of three months more, counted from that notification, for communicating the said Reply under the same conditions as the Case. The Imperial Ottoman Government will then have a period of four months, counted from this communication, for presenting its Counter-Reply, under the same conditions as the Counter-Case.

The periods prescribed in the present article may be extended by mutual agreement by the Parties, or by the Tribunal, when it judges it necessary, in order to reach a just decision.

But the Tribunal will not take into consideration the Cases, Counter-Cases or other communications which shall be presented to it by the Parties after the expiration of the end of the period fixed by the Tribunal.

ARTICLE 7

If in the Cases or other papers exchanged, either Party refers or makes allusion to a document or paper in its exclusive possession of which it has not annexed a copy, it will be obliged, if the other Party requests it, to furnish a copy, at the latest within thirty days.

ARTICLE 8

If the Arbitral Tribunal shall have decided affirmatively upon the question stated in No. I of Article 3, it must, before proceeding to examine No. II of the same article, grant to the Parties new periods which may not be less than three months each, for presenting and exchanging their conclusions and arguments in support.

ARTICLE 9

The awards of the Tribunal upon the first, and contingently on the second question in dispute, will be pronounced as soon as possible, within a period of one month after the closing by the President of the oral discussion relating to each of the questions.

ARTICLE 10

The award of the Arbitral Tribunal will be final and must be executed strictly and without any delay.

ARTICLE 11

Each Party bears its own expenses and an equal share of the expenses of the Tribunal.

ARTICLE 12

In all matters not provided for by the present *Compromis*, the provisions of the 1907 Hague Convention for the Pacific Settlement of International Disputes will apply to this arbitration, with the exception, however, of the articles whose acceptance has been reserved by the Imperial Ottoman Government.

Done at Constantinople, July 22 / August 4, 1910

(Signed): N. TCHARYKOW

(Signed): RIFAAT