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GENERAL TREATY OF INTER-AMERICAN ARBITRATION

Signed at Washington, January 5, 1929, at the
International Conference of American States on
Conciliation and Arbitration

<u>SIGNATORY COUNTRIES</u>	<u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u>
Bolivia ¹	
Brazil	January 25, 1932
Chile ¹	February 27, 1930 ¹
Colombia ¹	July 12, 1938 ¹
Costa Rica ¹	
Cuba	November 8, 1930
Dominican Republic ¹	September 17, 1929 ¹
Ecuador ¹	November 3, 1937 ²
El Salvador ¹	December 28, 1929 ¹
Guatemala ¹	October 28, 1929 ¹
Haiti	April 4, 1933
Honduras ¹	February 9, 1937 ¹
Mexico ¹	January 6, 1930 ¹
Nicaragua	June 15, 1932
Panama	January 20, 1933
Paraguay ¹	
Peru	May 23, 1934
United States	April 16, 1935 ¹
Uruguay ¹	
Venezuela ¹	September 1, 1932 ¹

1. With reservations.
2. Upon ratifying, Ecuador abandoned the first and second reservations formulated at the time of signature.

The original instrument is deposited with the Department of State of the United States, which is also the depository of the instruments of ratification. The Treaty entered into force on October 28, 1929, when the second ratification was deposited by Guatemala. It has been superseded by the American Treaty on Pacific Settlement (Pact of Bogotá), 1948 (A-42). Unless both parties to a dispute have ratified the subsequent treaty, however, this treaty would be applicable.

December 17,
ay 6, 1968
17, 1968
ates June 24,
16, 1966
5974; TIAS

INTER-AMERICAN ARBITRATION

*Treaty and protocol signed at Washington January 5, 1929
Senate advice and consent to ratification of treaty, with an understand-
ing, April 1, 1935*¹
*Treaty ratified by the President of the United States, with an under-
standing, April 16, 1935*¹
*Ratification of the United States deposited at Washington April 16,
1935*
*Entered into force October 28, 1929; for the United States April 16,
1935*
Proclaimed by the President of the United States April 16, 1935

49 Stat. 3152; Treaty Series 886

GENERAL TREATY OF INTER-AMERICAN ARBITRATION

The Governments of Venezuela, Chile, Bolivia, Uruguay, Costa Rica, Perú, Honduras, Guatemala, Haiti, Ecuador, Colombia, Brazil, Panamá, Paraguay, Nicaragua, Mexico, El Salvador, the Dominican Republic, Cuba, and the United States of America, represented at the Conference on Conciliation and Arbitration, assembled at Washington, pursuant to the Resolution adopted on February 18, 1928,² by the Sixth International Conference of American States held in the City of Habana;

In accordance with the solemn declarations made at said Conference to the effect that the American Republics condemn war as an instrument of national policy and adopt obligatory arbitration as the means for the settlement of their international differences of a juridical character;

Being convinced that the Republics of the New World, governed by the principles, institutions and practices of democracy and bound furthermore by mutual interests, which are increasing each day, have not only the necessity but also the duty of avoiding the disturbance of continental harmony whenever differences which are susceptible of judicial decision arise among them;

¹ The U.S. understanding reads as follows: ". . . that the special agreement in each case shall be made only by the President, and then only by and with the advice and consent of the Senate, provided two-thirds of the Senators present concur."

² *Report of the Delegates of the United States of America to the Sixth International Conference of American States held at Habana, Cuba, January 16 to February 20, 1928* (U.S. Government Printing Office, 1928), p. 310.

Conscious of the great moral and material benefits which peace offers to humanity and that the sentiment and opinion of America demand, without delay, the organization of an arbitral system which shall strengthen the permanent reign of justice and law;

And animated by the purpose of giving conventional form to these postulates and aspirations with the minimum exceptions which they have considered indispensable to safeguard the independence and sovereignty of the States and in the most ample manner possible under present international conditions, have resolved to effect the present treaty, and for that purpose have designated the Plenipotentiaries hereinafter named:

Venezuela:

Carlos F. Grisanti
Francisco Arroyo Parejo

Chile:

Manuel Foster Recabarren
Antonio Planet

Bolivia:

Eduardo Diez de Medina

Uruguay:

José Pedro Varela

Costa Rica:

Manuel Castro Quesada
José Tible-Machado

Peru:

Hernán Velarde
Victor M. Maúrtua

Honduras:

Rómulo Durón
Marcos López Ponce

Guatemala:

Adrián Recinos
José Falla

Haiti:

Auguste Bonamy
Raoul Lizaire

Ecuador:

Gonzalo Zaldumbide

Colombia:

Enrique Olaya Herrera
Carlos Escallón

Brazil:

S. Gurgel do Amaral
A. G. de Araujo-Jorge

Panamá:

Ricardo J. Alfaro
Carlos L. López

Paraguay:

Eligio Ayala

Nicaragua:

Maximo H. Zepeda
Adrián Recinos
J. Lisandro Medina

Mexico:

Fernando González Roa
Benito Flores

El Salvador:

Cayetano Ochoa
David Rosales, Jr.

Dominican Republic:

Angel Morales
Gustavo A. Díaz

Cuba:

Orestes Ferrara
Gustavo Gutiérrez

United States of America:

Frank B. Kellogg
Charles Evans Hughes

Who, after having deposited their full powers, found in good and due form by the Conference, have agreed upon the following:

ARTICLE 1

The High Contracting Parties bind themselves to submit to arbitration all differences of an international character which have arisen or may arise between them 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 and which are juridical in their nature by reason of being susceptible of decision by the application of the principles of law.

There shall be considered as included among the questions of juridical character:

- (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 and extent of the reparation to be made for the breach of an international obligation.

The provisions of this treaty shall not preclude any of the Parties, before resorting to arbitration, from having recourse to procedures of investigation and conciliation established in conventions then in force between them.

ARTICLE 2

There are excepted from the stipulations of this treaty the following controversies:

- (a) Those which are within the domestic jurisdiction of any of the Parties to the dispute and are not controlled by international law; and
- (b) Those which affect the interest or refer to the action of a State not a Party to this treaty.

ARTICLE 3

The arbitrator or tribunal who shall decide the controversy shall be designated by agreement of the Parties.

In the absence of an agreement the following procedure shall be adopted:

Each Party shall nominate two arbitrators, of whom only one may be a national of said Party or selected from the persons whom said Party has designated as members of the Permanent Court of Arbitration at The Hague. The other member may be of any other American nationality. These arbitrators shall in turn select a fifth arbitrator who shall be the president of the court.

Should the arbitrators be unable to reach an agreement among themselves for the selection of a fifth American arbitrator, or in lieu thereof, of another who is not, each Party shall designate a non-American member of the Permanent Court of Arbitration at The Hague, and the two persons so designated

shall select the fifth arbitrator, who may be of any nationality other than that of a Party to the dispute.

ARTICLE 4

The Parties to the dispute shall formulate by common accord, in each case, a special agreement which shall clearly define the particular subject-matter of the controversy, the seat of the court, the rules which will be observed in the proceedings, and the other conditions to which the Parties may agree.

If an accord has not been reached with regard to the agreement within three months reckoned from the date of the installation of the court, the agreement shall be formulated by the court.

ARTICLE 5

In case of death, resignation or incapacity of one or more of the arbitrators the vacancy shall be filled in the same manner as the original appointment.

ARTICLE 6

When there are more than two States directly interested in the same controversy and the interests of two or more of them are similar, the State or States who are on the same side of the question may increase the number of arbitrators on the court provided that in all cases the Parties on each side of the controversy shall appoint an equal number of arbitrators. There shall also be a presiding arbitrator selected in the same manner as that provided in the last paragraph of Article 3, the Parties on each side of the controversy being regarded as a single Party for the purpose of making the designation therein described.

ARTICLE 7

The award, duly pronounced and notified to the Parties, settles the dispute definitively and without appeal.

Differences which arise with regard to its interpretation or execution shall be submitted to the decision of the court which rendered the award.

ARTICLE 8

The reservations made by one of the High Contracting Parties shall have the effect that the other Contracting Parties are not bound with respect to the Party making the reservations except to the same extent as that expressed therein.

ARTICLE 9

The present treaty shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures.

The original treaty and the instruments of ratification shall be deposited in the Department of State of the United States of America which shall give notice of the ratifications through diplomatic channels to the other signatory

Governments and the treaty shall enter into effect for the High Contracting Parties in the order that they deposit their ratifications.

This treaty shall remain in force indefinitely, but it may be denounced by means of one year's previous notice at the expiration of which it shall cease to be in force as regards the Party denouncing the same, but shall remain in force as regards the other signatories. Notice of the denunciation shall be addressed to the Department of State of the United States of America which will transmit it for appropriate action to the other signatory Governments.

Any American State not a signatory of this treaty may adhere to the same by transmitting the official instrument setting forth such adherence to the Department of State of the United States of America which will notify the other High Contracting Parties thereof in the manner heretofore mentioned.

In witness whereof the above mentioned Plenipotentiaries have signed this treaty in English, Spanish, Portuguese, and French and hereunto affix their respective seals.

Done at the city of Washington, on this fifth day of January, 1929.

[For Venezuela:]

The Delegation of Venezuela signs the present treaty of arbitration with the following reservations:

First. There shall be excepted from this Treaty those matters which, according to the Constitution or the laws of Venezuela, are under the jurisdiction of its courts; and especially those matters relating to pecuniary claims of foreigners. In such matters arbitration shall not be resorted to except when legal remedies having been exhausted by the claimant it shall appear that there has been a denial of justice.

Second. There shall also be excepted those matters controlled by international agreements now in force [translation].

CARLOS F. GRISANTI [SEAL]
FR. ARROYO PAREJO [SEAL]

[For Chile:]

Chile does not accept obligatory arbitration for questions which have their origin in situations or acts antedating the present treaty nor does it accept obligatory arbitration for those questions which, being under the exclusive competency of the national jurisdiction, the interested parties claim the right to withdraw from the cognizance of the established judicial authorities, unless said authorities decline to pass judgment on any action or exception which any natural or juridical foreign person may

present to them in the form established by the laws of the country [translation].

MANUEL FOSTER [SEAL]
A. PLANET [SEAL]

[For Bolivia:]

The Delegation of Bolivia, in accordance with the doctrine and policy invariably maintained by Bolivia in the field of international jurisprudence, gives full adherence to and signs the General Treaty of Inter-American Arbitration which the Republics of America are to sanction, formulating the following express reservations:

First. There may be excepted from the provisions of the present agreement, questions arising from acts occurring or conventions concluded before the said treaty goes into effect, as well as those which, in conformity with international law, are under the exclusive jurisdiction of the state.

Second. It is also understood that, for the submission to arbitration of a territorial controversy or dispute, the zone to which the said arbitration is to apply must be previously determined in the arbitral agreement [translation].

E. DIEZ DE MEDINA [SEAL]

[For Uruguay:]

I vote in favor of the Treaty of Arbitration, with the reservation formulated by the Delegation of Uruguay at the

Fifth Pan American Conference, favoring broad arbitration; and with the understanding that arbitration will be resorted to only in case of denial of justice, when the national tribunals have jurisdiction, according to the legislation of their own country [translation].

JOSÉ PEDRO VARELA [SEAL]

[For Costa Rica:]

Reservations of Costa Rica:

(a) The obligations contracted under this Treaty do not annul, abrogate, or restrict the arbitration conventions which are now in force between Costa Rica and another or others of the high contracting parties and do not involve arbitration, disavowal, or renewed discussion of questions which may have already been settled by arbitral awards.

(b) The obligations contracted under this Treaty do not involve the arbitration of judgments handed down by the courts of Costa Rica in civil cases which may be submitted to them and with regard to which the interested parties have recognized the jurisdiction of said courts [translation].

MANUEL CASTRO QUESADA [SEAL]
 JOSÉ TIBLE-MACHEADO [SEAL]

[For Peru:]

HERNÁN VELARDE [SEAL]
 VICTOR M. MAURTUA [SEAL]

[For Honduras:]

The Delegation of Honduras, in signing the present Treaty, formulates an express reservation making it a matter of record that the provisions thereof shall not be applicable to pending international questions or controversies or to those which may arise in the future relative to acts prior to the date on which the said Treaty goes into effect [translation].

RÓMULO E. DURÓN [SEAL]
 M. LÓPEZ PONCE [SEAL]

[For Guatemala:]

The Delegation of Guatemala makes the following reservations:

1. In order to submit to arbitration any questions relating to the boundaries of the nation, the approval of the Legislative Assembly must first be given, in

each case, in conformity with the Constitution of the Republic.

2. The provisions of the present Convention do not alter or modify the conventions and treaties previously entered into by the Republic of Guatemala [translation].

ADRIÁN REGINOS [SEAL]
 JOSÉ FALLA [SEAL]

[For Haiti:]

A. BONAMY [SEAL]
 RAOUL LIZAIRE [SEAL]

[For Ecuador:]

The Delegation of Ecuador, pursuant to instructions of its Government, reserves from the jurisdiction of the obligatory arbitration agreed upon in the present Treaty:

1. Questions at present governed by conventions or treaties now in effect;

2. Those which may arise from previous causes or may result from acts preceding the signature of this treaty;

3. Pecuniary claims of foreigners who may not have previously exhausted all legal remedies before the courts of justice of the country, it being understood that such is the interpretation and the extent of the application which the Government of Ecuador has always given to the Bueno Aires Convention of August 11, 1910* [translation].

GONZALO ZALDUMBIDE [SEAL]

[For Colombia:]

The Delegation of Colombia signs the foregoing Convention with the following two declarations or reservations:

First. The obligations which the Republic of Colombia may contract thereby refer to the differences which may arise from acts subsequent to the ratification of the Convention;

Second. Except in the case of a denial of justice, the arbitration provided for in this convention is not applicable to the questions which may have arisen or which may arise between a citizen, an association or a corporation of one of the parties and the other contracting state when the judges or courts of the latter state are, in accordance with its legislation, competent to settle the controversy [translation].

ENRIQUE OLAYA HERRERA [SEAL]
 C ESCALLÓN [SEAL]

* TS 594, ante, vol. 1, p. 763.

[For Brazil:]
 S. GURGEL DO AMARAL [SEAL]
 A. ARAÚJO JORGE [SEAL]

[For Panama:]
 R. J. ALFARO [SEAL]
 CARLOS L. LÓPEZ [SEAL]

[For Paraguay:]
 Reservation of the Delegation of Paraguay:

I sign this treaty with the reservation that Paraguay excludes from its application questions which directly or indirectly affect the integrity of the national territory and are not merely questions of frontiers or boundaries [translation].

ELIGIO AYALA [SEAL]

[For Nicaragua:]
 MÁXIMO H. ZEPEDA [SEAL]
 ADRIÁN RECINOS [SEAL]
 J. LISANDRO MEDINA [SEAL]

[For Mexico:]
 Mexican Reservation:
 Mexico makes the reservation that differences, which fall under the jurisdiction of the courts, shall not form a subject of the procedure provided for by the Convention, except in case of denial of justice, and until after the judgment passed by the competent national authority has been placed in the class of *res judicata* [translation].

FERDO GONZÁLEZ ROA [SEAL]
 BENITO FLORES [SEAL]

[For El Salvador:]
 The Delegation of El Salvador to the Conference on Conciliation and Arbitration assembled in Washington accepts and signs the General Treaty of Inter-American Arbitration concluded this day by said Conference, with the following reservations or restrictions:

1. After the words of paragraph 1 of Article 1 reading: "under treaty or other-

wise", the following words are to be added: "subsequent to the present Convention." The article continues without any other modification.

2. Paragraph (a) of Article 2 is accepted by the Delegation without the final words which read: "and are not controlled by international law", which should be considered as eliminated.

3. This Treaty does not include controversies or differences with regard to points or questions which, according to the Political Constitution of El Salvador, must not be submitted to arbitration, and

4. Pecuniary claims against the nation shall be decided by its judges and courts, since they have jurisdiction thereof, and recourse shall be had to international arbitration only in the cases provided in the Constitution and laws of El Salvador, that is in cases of denial of justice or unusual delay in the administration thereof [translation].

DAVID ROSALES, HIJO [SEAL]
 CAYETANO OCHOA [SEAL]

[For the Dominican Republic:]
 The Dominican Republic, in signing the General Treaty of Inter-American Arbitration, does so with the understanding that controversies relating to questions which are under the jurisdiction of its courts shall not be referred to arbitral jurisdiction except in accordance with the principles of international law [translation].

A. MORALES [SEAL]
 G. A. DÍAZ [SEAL]

[For Cuba:]
 ORESTES FERRARA [SEAL]
 GUSTAVO GUTIÉRREZ [SEAL]

[For the United States:]
 FRANK B. KELLOGG [SEAL]
 CHARLES EVANS HUGHES [SEAL]

PROTOCOL OF PROGRESSIVE ARBITRATION

Whereas, a General Treaty of Inter-American Arbitration has this day been signed at Washington by Plenipotentiaries of the Governments of Venezuela, Chile, Bolivia, Uruguay, Costa Rica, Perú, Honduras, Guatemala, Haiti, Ecuador, Colombia, Brazil, Panama, Paraguay, Nicaragua, Mexico, El Salvador, the Dominican Republic, Cuba, and the United States of America;

Whereas, that treaty by its terms excepts certain controversies from the stipulations thereof;

Whereas, by means of reservations attached to the treaty at the time of signing, ratifying or adhering, certain other controversies have been or may be also excepted from the stipulations of the treaty or reserved from the operation thereof;

Whereas, it is deemed desirable to establish a procedure whereby such exceptions or reservations may from time to time be abandoned in whole or in part by the Parties to said treaty, thus progressively extending the field of arbitration;

The Governments named above have agreed as follows:

ARTICLE 1

Any Party to the General Treaty of Inter-American Arbitration signed at Washington the fifth day of January, 1929, may at any time deposit with the Department of State of the United States of America an appropriate instrument evidencing that it has abandoned in whole or in part the exceptions from arbitration stipulated in the said treaty or the reservation or reservations attached by it thereto.

ARTICLE 2

A certified copy of each instrument deposited with the Department of State of the United States of America pursuant to the provisions of Article 1 of this protocol shall be transmitted by the said Department through diplomatic channels to every other Party to the above-mentioned General Treaty of Inter-American Arbitration.

In witness whereof the above-mentioned Plenipotentiaries have signed this protocol in English, Spanish, Portuguese and French and hereunto affix their respective seals.

Done at the city of Washington, on this fifth day of January, 1929.

CARLOS F. GRISANTI	[SEAL]	S. GURZEL DO AMARAL	[SEAL]
FR. ARROYO PAREJO	[SEAL]	A. ARAUJO JORGE	[SEAL]
MANUEL FOSTER	[SEAL]	R. J. ALFARO	[SEAL]
A. PLANET	[SEAL]	CARLOS L. LÓPEZ	[SEAL]
E. DIEZ DE MEDINA	[SEAL]	ELIGIO AYALA	[SEAL]
JOSÉ PEDRO VARELA	[SEAL]	MÁXIMO H. ZEPEDA	
MANUEL CASTRO QUESADA	[SEAL]	ADRIÁN REGINOS	[SEAL]
JOSÉ TIBLE MACHADO	[SEAL]	J. LISANDRO MEDINA	
HERNÁN VELARDE	[SEAL]	FERDO GONZÁLEZ ROA	[SEAL]
VICTOR M. MAURTUA	[SEAL]	BENITO FLORES	
RÓMULO E. DURÓN	[SEAL]	CAYETANO OCHOA	[SEAL]
M. LÓPEZ PONCE	[SEAL]	DAVID ROSALES, HIJO	
ADRIÁN REGINOS	[SEAL]	A. MORALES	[SEAL]
JOSÉ FALLA	[SEAL]	G. A. DÍAZ	[SEAL]
A. BONAMY	[SEAL]	ORESTES FERRARA	[SEAL]
RAOUL LIZAIRE		GUSTAVO GUTIÉRREZ	[SEAL]
GONZALO ZALDUMBIDE	[SEAL]	FRANK B. KELLOGG	[SEAL]
ENRIQUE OLAYA HERRERA	[SEAL]	CHARLES EVANS HUGHES	[SEAL]
C. ESCALLÓN	[SEAL]		

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Convention for the establishment of a Central American court of justice.

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua, and Salvador, for the purpose of efficiently guaranteeing their rights and maintaining peace and harmony inalterably in their relations, without being obliged to resort in any case to the employment of force, have agreed to conclude a Convention for the constitution of a Court of Justice charged with accomplishing such high aims, and, to that end, have named as Delegates:

COSTA RICA.—Their Excellencies Doctor Don Luis Anderson and Don Joaquín B. Calvo;

GUATEMALA.—Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez Ocaña;

HONDURAS.—Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Angé Ugarde, and Don E. Constantino Fiallos;

NICARAGUA.—Their Excellencies Doctors Don José Madriz and Don Luis F. Corea; and

SALVADOR.—Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

By virtue of the invitation sent in accordance with Article II of the protocol signed at Washington on September 17, 1907, by the Plenipotentiary Representatives of the five Central American Republics, their excellencies, the Representative of the Government of the United Mexican States, Ambassador Don Enrique C. Creel, and the Representative of the Government of the United States of America, Mr. William I. Buchanan; were present at all the deliberations.

The Delegates, assembled in the Central American Peace Conference at Washington, after having communicated to one another their respective full powers, which they found to be in due form, have agreed to carry out the said purpose in the following manner:

ARTICLE I.

The High Contracting Parties agree by the present Convention to constitute and maintain a permanent tribunal which shall be called the "Central American Court of Justice," to which they bind themselves to submit all controversies or questions which may arise among them, of whatsoever nature and no matter what their origin may be, in case the respective Departments of Foreign Affairs should not have been able to reach an understanding.

ARTICLE II.

This court shall also take cognizance of the questions which individuals of one Central American country may raise against any of the other contracting Governments, because of the violation of treaties or conventions, and other cases of an international character; no matter whether their own Government supports said claim or not; and provided that the remedies which the laws of the respective country provide against such violation shall have been exhausted or that denial of justice shall have been shown.

ARTICLE III.*

It shall also take cognizance of the cases which by common accord the contracting Governments may submit to it, no matter whether they arise between two or more of them or between one of said Governments and individuals.

ARTICLE IV.

The Court can likewise take cognizance of the international questions which by special agreement any one of the Central American Governments and a foreign Government may have determined to submit to it.

ARTICLE V.

The Central American Court of Justice shall sit at the City of Cartago in the Republic of Costa Rica, but it may temporarily transfer its residence to

* The text of this article was corrected by an additional Protocol of the same date, so that the true text will be found on p. 701.

another point in Central America whenever it deems it expedient for reasons of health, or in order to insure the exercise of its functions, or of the personal safety of its members.

ARTICLE VI.

The Central American Court of Justice shall consist of five Justices, one being appointed by each Republic and selected from among the jurists who possess the qualifications which the laws of each country prescribe for the exercise of high judicial office, and who enjoy the highest consideration, both because of their moral character and their professional ability.

Vacancies shall be filled by substitute Justices, named at the same time and in the same manner as the regular Justices, and who shall unite the same qualifications as the latter.

The attendance of the five justices who constitute the Tribunal is indispensable in order to make a legal quorum in the decisions of the Court.

ARTICLE VII.

The Legislative Power of each one of the five contracting Republics shall appoint their respective Justices, one regular and two substitutes.

The salary of each Justice shall be eight thousand dollars, gold, per annum, which shall be paid them by the Treasury of the Court. The salary of the Justice of the country where the Court resides shall be fixed by the Government thereof. Furthermore each State shall contribute two thousand dollars, gold, annually toward the ordinary and extraordinary expenses of the Tribunal. The Governments of the contracting Republics bind themselves to include their respective contributions in their estimates of expenses and to remit quarterly in advance to the Treasury of the Court the share they may have to bear on account of such services.

ARTICLE VIII.

The regular and substitute Justices shall be appointed for a term of five years, which shall be counted from the day on which they assume the duties of their office, and they may be reelected.

In case of death, resignation, or permanent incapacity of any of them, the vacancy shall be filled by the respective Legislature, and the Justice elected shall complete the term of his predecessor.

ARTICLE IX.

The regular and substitute Justices shall take oath or make affirmation prescribed by law before the authority that may have appointed them, and from that moment they shall enjoy the immunities and prerogatives which the present Convention confers upon them. The regular Justices shall likewise enjoy thenceforth the salary fixed in Article VII.

ARTICLE X.

Whilst they remain in the country of their appointment the regular and substitute Justices shall enjoy the personal immunity which the respective laws grant to the magistrates of the Supreme Court of Justice, and in the other contracting Republics they shall have the privileges and immunities of Diplomatic Agents.

ARTICLE XI.

The office of Justice whilst held is incompatible with the exercise of his profession, and with the holding of public office. The same incompatibility applies to the substitute Justices so long as they may actually perform their duties.

ARTICLE XII.

At its first annual session the Court shall elect from among its own members a President and Vice-President; it shall organize the personnel of its office by designating a Clerk, a Treasurer, and such other subordinate employees as it may deem necessary, and it shall draw up the estimate of its expenses.

ARTICLE XIII.

The Central American Court of Justice represents the national conscience of Central America, wherefore the Justices who compose the Tribunal shall not consider themselves barred from the discharge of their duties because of the

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interest which the Republics, to which they owe their appointment, may have in any case or question. With regard to allegations of personal interest, the rules of procedure which the Court may fix shall make proper provision.

ARTICLE XIV.

When differences or questions subject to the jurisdiction of the Tribunal arise, the interested party shall present a complaint which shall comprise all the points of fact and law relative to the matter, and all pertinent evidence. The Tribunal shall communicate without loss of time a copy of the complaint to the Governments or individuals interested, and shall invite them to furnish their allegations and evidence within the term that it may designate to them, which, in no case, shall exceed sixty days counted from the date of notice of the complaint.

ARTICLE XV.

If the term designated shall have expired without answer having been made to the complaint, the Court shall require the complainant or complainants to do so within a further term not to exceed twenty days, after the expiration of which and in view of the evidence presented and of such evidence as it may *es officio* have seen fit to obtain, the Tribunal shall render its decision in the case, which decision shall be final.

ARTICLE XVI.

If the Government, Governments, or individuals sued shall have appeared in time before the Court, presenting their allegations and evidence, the Court shall decide the matter within thirty days following, without further process or proceedings; but if a new term for the presentation of evidence be solicited, the Court shall decide whether or not there is occasion to grant it; and in the affirmative it shall fix therefor a reasonable time. Upon the expiration of such term, the Court shall pronounce its final judgment within thirty days.

ARTICLE XVII.

Each one of the Governments or individuals directly concerned in the questions to be considered by the Court has the right to be represented before it by a trustworthy person or persons, who shall present evidence, formulate arguments, and shall, within the terms fixed by this Convention and by the rules of the Court of Justice do everything that in their judgment shall be beneficial to the defense of the rights they represent.

ARTICLE XVIII.

From the moment in which any suit is instituted against any one or more governments up to that in which a final decision has been pronounced, the court may at the solicitation of any one of the parties fix the situation in which the contending parties must remain, to the end that the difficulty shall not be aggravated and that things shall be conserved in *status quo* pending a final decision.

ARTICLE XIX.

For all the effects of this Convention the Central American Court of Justice may address itself to the Governments or tribunals of justice of the contracting States, through the medium of the Ministry of Foreign Relations or the office of the Clerk of the Supreme Court of Justice of the respective country, according to the nature of the requisite proceeding, in order to have the measures that it may dictate within the scope of its jurisdiction carried out.

ARTICLE XX.

It may also appoint special commissioners to carry out the formalities above referred to, when it deems it expedient for their better fulfillment. In such case, it shall ask of the Government where the proceeding is to be had, its cooperation and assistance, in order that the Commissioner may fulfill his mission.

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The contracting Governments formerly bind themselves to obey and to enforce the orders of the Court, furnishing all the assistance that may be necessary for their best and most expeditious fulfillment.

ARTICLE XXI.

In deciding points of fact that may be raised before it, the Central American Court of Justice shall be governed by its free judgment, and with respect to points of law, by the principles of International Law. The final judgment shall cover each one of the points in litigation.

ARTICLE XXII.

The Court is competent to determine its jurisdiction, interpreting the Treaties and Conventions germane to the matter in dispute, and applying the principles of international law.

ARTICLE XXIII.

Every final or interlocutory decision shall be rendered with the concurrence of at least three of the Justices of the Court. In case of disagreement, one of the substitute Justices shall be chosen by lot, and if still a majority of three be not thus obtained other Justices shall be successively chosen by lot until three uniform votes shall have been obtained.

ARTICLE XXIV.

The decisions must be in writing and shall contain a statement of the reasons upon which they are based. They must be signed by all the Justices of the Court and countersigned by the Clerk. Once they have been notified they can not be altered on any account; but, at the request of any of the parties, the Tribunal may declare the interpretation which must be given to its judgments.

ARTICLE XXV.

The judgments of the Court shall be communicated to the five Governments of the contracting Republics. The interested parties solemnly bind themselves to submit to said judgments, and all agree to lend all moral support that may be necessary in order that they may be properly fulfilled, thereby constituting a real and positive guarantee of respect for this Convention and for the Central American Court of Justice.

ARTICLE XXVI.

The Court is empowered to make its rules, to formulate the rules of procedure which may be necessary, and to determine the forms and terms not prescribed in the present Convention. All the decisions which may be rendered in this respect shall be communicated immediately to the High Contracting Parties.

ARTICLE XXVII.

The High Contracting Parties solemnly declare that on no ground nor in any case will they consider the present Convention as void; and that, therefore, they will consider it as being always in force during the term of ten years counted from the last ratification. In the event of the change or alteration of the political status of one or more of the Contracting Republics, the functions of the Central American Court of Justice created by this Convention shall be suspended *ipso facto*; and a conference to adjust the constitution of said Court to the new order of things shall be forthwith convoked by the respective Governments; in case they do not unanimously agree the present Convention shall be considered as rescinded.

ARTICLE XXVIII.

The exchange of ratifications of the present Convention shall be made in accordance with Article XXI of the General Treaty of Peace and Amity concluded on this date.

PROVISIONAL ARTICLE.

As recommended by the five Delegations an Article is annexed which contains an amplification of the jurisdiction of the Central American Court of Justice, in order that the Legislatures may, if they see fit, include it in this Convention upon ratifying it.

ANNEXED ARTICLE.

The Central American Court of Justice shall also have jurisdiction over the conflicts which may arise between the Legislative, Executive, and Judicial Powers, and when as a matter of fact the judicial decisions and resolutions of the National Congress are not respected.

Signed at the city of Washington on the twentieth day of December, one thousand nine hundred and seven.

LUIS ANDERSON.
J. B. CALVO.
ANTONIO BATRES JAUREGUI.
LUIS TOLEDO HERRARTE.
VÍCTOR SÁNCHEZ O.
POLICARPO BONILLA.
ANGÉL UGARTE.
E. CONSTANTINO FIALLOS.
JOSÉ MADRIZ.
LUIS F. COREA.
SALVADOR GALLEGOS.
SALVADOR RODRÍGUEZ G.
F. MEJÍA.

[Inclosure 8.]

Additional Protocol to the Convention for the establishment of a Central American Court of Justice.

At the city of Washington, at one o'clock in the afternoon of the twentieth day of December, one thousand nine hundred and seven. The undersigned Delegates to the Central American Peace Conference:

For COSTA RICA: Their Excellencies Doctor Luis Anderson and Don Joaquín B. Calvo;

For GUATEMALA: Their Excellencies Doctor Don Antonio Batres Jáuregui, Doctor Don Luis Toledo Herrarte, and Don Víctor Sánchez-Ocaña;

For HONDURAS: Their Excellencies Doctor Don Policarpo Bonilla, Doctor Don Ángel Ugarte, and Don E. Constantino Fiallos;

For NICARAGUA: Their Excellencies Doctor Don José Madriz and Doctor Don Luis F. Corea;

For SALVADOR: Their Excellencies Doctor Don Salvador Gallegos, Doctor Don Salvador Rodríguez González, and Don Federico Mejía.

Noting that an error has been committed in copying the text of Article III of the Convention for the establishment of a Central American Court of Justice, concluded on this date, make it known that the authentic text of said Article III is as follows:

"It shall also have jurisdiction over cases arising between any of the contracting Governments and individuals, when by common accord they are submitted to it."

In testimony whereof they sign the present Protocol, which shall be considered as an integral part of the Convention.

LUIS ANDERSON.
J. B. CALVO.
ANTONIO BATRES JAUREGUI.
LUIS TOLEDO HERRARTE.
VÍCTOR SÁNCHEZ O.
POLICARPO BONILLA.
ANGÉL UGARTE.
E. CONSTANTINO FIALLOS.
JOSÉ MADRIZ.
LUIS F. COREA.
SALVADOR GALLEGOS.
SALVADOR RODRÍGUEZ G.
F. MEJÍA.