

PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES (INTER-AMERICAN)

Protocol signed at México January 15, 1902

Entered into force January 15, 1902

Execution of provisions: A protocol enabling states not parties to the 1899 convention for the pacific settlement of international disputes¹ to adhere to that convention was signed at The Hague June 14, 1907;² an inter-American treaty on compulsory arbitration, pursuant to article 4, was signed at México January 29, 1902³

Department of State files; enclosure to
note no. 264 of May 23, 1902, from the
Mexican Embassy at Washington

[TRANSLATION]

PROTOCOL OF ADHERENCE TO THE CONVENTIONS OF THE HAGUE

WHEREAS: The Delegates to the International Conference of the American States, believing that public sentiment in the Republics represented by them is constantly growing in the direction of heartily favoring the widest application of the principles of arbitration; that the American Republics controlled alike by the principles and responsibilities of popular government and bound together by increasing mutual interests, can, by their own actions, maintain peace in the Continent, and that permanent peace between them will be the forerunner and harbinger of their national development and of the happiness and commercial greatness of their peoples;

They have, therefore, agreed upon the following

¹ TS 392, *ante*, p. 230.

² *Post*, p. 575.

³ For text, see *Message from the President of the United States, Transmitting a Communication from the Secretary of State, Submitting the Report, With Accompanying Papers, of the Delegates of the United States to the Second International Conference of American States, Held at the City of Mexico from October 22, 1901, to January 22, 1902* (U.S. Government Printing Office, 1902), p. 40; S. Doc. 330, 57th Cong., 1st sess. The United States did not become a party.

PROJECT

ART. 1ST. The American Republics, represented at the International Conference of American States in Mexico, which have not subscribed to the three Conventions signed at The Hague on the 29th. of July, 1899,⁴ hereby recognize as a part of Public International American Law the principles set forth therein.

ART. 2ND. With respect to the Conventions which are of an open character, the adherence thereto will be communicated to the Government of Holland through diplomatic channels by the respective Governments, upon the ratification thereof.

ART. 3RD. The wide general convenience being so clearly apparent that would be secured by confiding the solution of differences to be submitted to arbitration to the jurisdiction of a tribunal of so high a character as that of the Arbitration Court at The Hague, and, also, that the American Nations, not now signatory to the Convention creating that beneficent institution, can become adherents thereto by virtue of an accepted and recognized right; and, further, taking into consideration the offer of the Governments of the United States of America and the United States of Mexico, the Conference hereby confers upon said Governments the authority to negotiate with the other signatory Powers to the Convention for the Peaceful Adjustment of International Differences,⁵ for the adherence thereto of the American Nations so requesting and not now signatory to the said Convention.

For the Delegation of Guatemala:

ANTONIO LAZO ARRIAGA
FRANCISCO ORLA

Delegates of Mexico:

G. RAIGOSA*⁶
E. PARDO (JR.)
JOAQUÍN D. CASASÚS*
ALFREDO CHAVERO*
JOSÉ LÓPEZ-PORTILLO Y ROJAS*
PABLO MACEDO*
FRANCISCO L. DE LA BARRA*
M. SÁNCHEZ MARMOL*
ROSENDO PINEDA*

For the Argentine Delegation:

ANTONIO BERMEJO
LORENZO ANADÓN

For the Delegation of Peru:

ISAAC ALZAMORA
MANUEL ALVAREZ CALDERÓN
ALBERTO ELMORE

For the Delegation of Uruguay:

JUAN CUESTAS

The Delegate of Venezuela signs ad referendum, and in addition he states that in so far as his country is concerned, matters of or related to navigation are not included in this treaty.

For the Delegation of Venezuela:⁷

M. M. GALAVÍS

Delegate of Costa Rica:

J. B. CALVO*

Delegate of Haiti:

J. N. LÉGER

Delegates of the Dominican Republic:

FED. HENRÍQUEZ I CARVAJAL*
QUINTÍN GUTIÉRREZ

Delegate of Paraguay:

CECILIO BAEZ

⁴ TS 392, 403, and 396, *ante*, pp. 230, 247, and 263.

⁵ TS 392, *ante*, p. 230.

⁶ The Delegates whose names are followed by an asterisk signed the Protocol on the day it was sent to the Conference (January 15, 1902). [Asterisks and footnote on copy of protocol enclosed with Mexican note of May 23, 1902.]

⁷ See note, p. 334.

Delegate of Bolivia:
FERNANDO E. GAUCHALLA

Delegate of El Salvador:
BALTASAR ESTUPINIAN

Delegate of Colombia:
RAFAEL REYES*

For the Delegation of Honduras and as
the Delegate of Nicaragua:

F. DÁVILA*

Delegates of the United States of
America:

WILLIAM I. BUCHANAN*

CHARLES M. PEPPER*

VOLNEY W. FOSTER*

ART. 4TH. In order that the widest and most unrestricted application of the principle of just arbitration may be satisfactorily and definitely brought about at the earliest possible day, and, to the end that the most advanced and mutually advantageous form in which the said principle can be expressed in a Convention to be signed between the American Republics may be fully ascertained, the President of Mexico is hereby most respectfully requested to ascertain by careful investigation the views of the different Governments represented in the Conference regarding the most advanced form in which a General Arbitration Convention could be drawn that would meet with the approval and secure the final ratification of all the countries in the Conference, and, after the conclusion of this inquiry, to prepare a plan for such a General Convention as would apparently meet the wishes of all the Republics; and, if possible, arrange for a series of protocols to carry the plan into execution; or, if this should be found to be impracticable, then to present the correspondence with a report to the next Conference.

Mexico, January 15, 1902

Delegation of Guatemala:
ANTONIO LAZO ARRIAGA
FRANCISCO ORLA

Delegates of Mexico:
G. RAIGOSA
JOAQUÍN D. CASASÚS
JOSÉ LÓPEZ-PORTILLO Y ROJAS
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[The protocol was not signed for Chile and Ecuador; however, the two countries, following a protracted debate on a point of order involving the plan adopted, accepted a solution which made them parties to the protocol. Venezuela's withdrawal from the Conference on January 14, 1902, with retroactive effect to and from December 31, 1901, apparently invalidated its signature to the protocol.

The delegates to the Third International American Conference adopted unanimously on Aug. 7, 1906, a resolution "to ratify adherence to the principle of arbitration" and "to endeavor to secure . . . the celebration of a General Arbitration Convention." For text, see *Report of the Delegates of the United States to the Third International Conference of the American States, Held at Rio de Janeiro, Brazil, July 21 to August 26, 1906* (U.S. Government Printing Office, 1907), p. 97.]