

## ARBITRATION OF PECUNIARY CLAIMS (INTER-AMERICAN)

*Treaty signed at México January 30, 1902*

*Senate advice and consent to ratification January 11, 1905*

*Ratified by the President of the United States January 28, 1905*

*Entered into force February 10, 1905*<sup>1</sup>

*Ratification of the United States deposited at México February 10, 1905*

*Proclaimed by the President of the United States March 24, 1905*

*Extended, with exception of article 3, until December 31, 1912, by convention of August 13, 1906*<sup>2</sup>

*Terminated December 31, 1912, in accordance with terms of 1906 convention*<sup>3</sup>

34 Stat. 2845; Treaty Series 443

### TREATY OF ARBITRATION FOR PECUNIARY CLAIMS

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Hayti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay,

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

*For the Argentine Republic.*—Their Excellencies Antonio Bermejo, Martín García Mérou, Lorenzo Anadon.

*For Bolivia.*—His Excellency Fernando E. Guachalla.

*For Colombia.*—Their Excellencies Carlos Martinez Silva, General Rafael Reyes.

*For Costa Rica.*—His Excellency Joaquin Bernardo Calvo.

<sup>1</sup> Date of deposit of fifth instrument of ratification.

<sup>2</sup> TS 574, *post*, p. 541.

<sup>3</sup> Art. 6 of the convention of Aug. 11, 1910 (TS 594), *post*, p. 765, provides, however, that "the treaty of Mexico shall continue in force after December 31, 1912, as to any claims which may, prior to that date, have been submitted to arbitration under its provisions."

*For Chili.*—Their Excellencies Alberto Blest Gana, Emilio Bello Codecido, Joaquin Walker Martinez, Augusto Matte.

*For the Dominican Republic.*—Their Excellencies Federico Henriquez y Carvajal, Luis Felipe Carbo, Quintin Gutierrez.

*For Ecuador.*—His Excellency Luis Felipe Carbo.

*For El Salvador.*—Their Excellencies Francisco A. Reyes, Baltasar Estupinián.

*For the United States of America.*—Their Excellencies Henry G. Davis, William I. Buchanan, Charles M. Pepper, Volney W. Foster, John Barrett.

*For Guatemala.*—Their Excellencies Antonio Lazo Arriaga, Colonel Francisco Orla.

*For Hayti.*—His Excellency J. N. Léger.

*For Honduras.*—Their Excellencies José Leonard, Fausto Dávila.

*For Mexico.*—Their Excellencies Genaro Raigosa, Joaquín D. Casasús, José López Portillo y Rojas, Emilio Pardo, jr., Pablo Macedo, Alfredo Chavero, Francisco L. de la Barra, Manuel Sánchez Mármol, Rosendo Pineda.

*For Nicaragua.*—His Excellency Luis F. Corea, His Excellency Fausto Davila.

*For Paraguay.*—His Excellency Cecilio Baez.

*For Peru.*—Their Excellencies Isaac Alzamora, Alberto Elmo, Manuel Alvarez Calderón.

*For Uruguay.*—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed, to celebrate a Treaty to submit to the decision of arbitrators Pecuniary Claims for damages that have not been settled by diplomatic channel, in the following terms:

ART. 1. The High Contracting Parties agree to submit to arbitration all claims for pecuniary loss or damage which may be presented by their respective citizens, and which cannot be amicably adjusted through diplomatic channels and when said claims are of sufficient importance to warrant the expenses of arbitration.

ART. 2. By virtue of the faculty recognized by Article 26 of the Convention of The Hague for the pacific settlement of international disputes,<sup>4</sup> the High Contracting Parties agree to submit to the decision of the permanent Court of Arbitration established by said Convention, all controversies which are the subject matter of the present Treaty, unless both Parties should prefer that a special jurisdiction be organized, according to Article 21 of the Convention referred to.

<sup>4</sup> Convention dated July 29, 1899 (TS 392), *ante*, p. 230.

If a case is submitted to the Permanent Court of The Hague, The High Contracting Parties accept the provisions of the said Convention, in so far as they relate to the organization of the Arbitral Tribunal, and with regard to the procedure to be followed, and to the obligation to comply with the sentence.

ART. 3. The present Treaty shall not be obligatory except upon those States which have subscribed to the Convention for the pacific settlement of international disputes, signed at The Hague, July 29, 1899, and upon those which ratify the Protocol<sup>5</sup> unanimously adopted by the Republics represented in the Second International Conference of American States, for their adherence to the Conventions signed at The Hague, July 29, 1899.

ART. 4. If, for any cause whatever, the Permanent Court of The Hague should not be opened to one or more of the High Contracting Parties, they obligate themselves to stipulate, in a special Treaty, the rules under which the Tribunal shall be established, as well as its form of procedure, which shall take cognizance of the questions referred to in article 1. of the present Treaty.

ART. 5. This Treaty shall be binding on the States ratifying it, from the date on which five signatory governments have ratified the same, and shall be in force for five years. The ratification of this Treaty by the signatory States shall be transmitted to the Government of the United States of Mexico, which shall notify the other Governments of the ratifications it may receive.

In testimony whereof the Plenipotentiaries and Delegates also sign the present Treaty, and affix the seal of the Second International American Conference.

Made in the City of Mexico the thirtieth day of January nineteen hundred and two, in three copies, written in Spanish, English and French, respectively, which shall be deposited with the Secretary of Foreign Relations of the Mexican United States, so that certified copies thereof be made, in order to send them through the diplomatic channel to the signatory States.

For the Argentine Republic:

ANTONIO BERMEJO  
LORENZO ANADON

For Bolivia:

FERNANDO E. GUACHALLA

For Colombia:

RAFAEL REYES

For Costa Rica:

J. B. CALVO

For Chili:

AUGUSTO MATTE  
JOAQ. WALKER M.  
EMILIO BELLO C.

For the Dominican Republic.

FED. HENRIQUEZ I CARVAJAL

For Ecuador:

L. F. CARBO

For El Salvador:

FRANCISCO A. REYES  
BALASAR ESTUPINIAN

For the United States of America:

W. I. BUCHANAN  
CHARLES M. PEPPER  
VOLNEY W. FOSTER

For Guatemala:

FRANCISCO ORLA

<sup>5</sup> Protocol dated Jan. 15, 1902, *ante*, p. 331.

## For Hayti:

J. N. LÉGER

## For Honduras:

J. LEONARD

F. DÁVILA

## For Mexico:

G. RAIGOSA

JOAQUIN D. CASASUS

E. PARDO, JR.

JOSÉ LOPEZ PORTILLO Y ROJAS

PABLO MACEDO

F. L. DE LA BARRA

ALFREDO CHAVERO

M. SANCHEZ MARMOL

ROSENDO PINEDA

## For Nicaragua:

F. DÁVILA

## For Paraguay:

CECILIO BAEZ

## For Peru:

MANUEL ALVAREZ CALDERON

ALBERTO ELMORE

## For Uruguay:

JUAN CUESTAS