

REUNION CONSULTIVA DE LOS MINISTROS DE RELACIONES EXTERIORES
DE LAS REPUBLICAS AMERICANAS

SECRETARIA GENERAL

FINAL ACT

OF THE

MEETING OF THE FOREIGN MINISTERS OF THE AMERICAN
REPUBLICS FOR CONSULTATION UNDER THE INTER-AMERICAN
AGREEMENTS OF BUENOS AIRES AND LIMA

Panama, Republic of Panama

September 23 to October 3, 1939

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The Governments of the American Republics, desirous of having their respective Foreign Ministers or their substitutes meet for the purpose of consultation under the agreements adopted at the Inter-American Conference for the Maintenance of Peace held at Buenos Aires in 1936, and the Eighth International Conference of American States, which met at Lima in 1938, appointed the delegations hereinafter listed in the order of precedence as determined by lot, who assembled in the City of Panama from September 23 to October 3, 1939, on invitation of the Government of the Republic of Panama.

MEXICO

His Excellency, General Eduardo Ray, Secretary of Foreign Affairs
His Excellency, Alfonso Rosenzweig Díaz
Mr. Anselmo Mena
Mr. Antonio Espinosa de los Monteros, Financial Adviser

ECUADOR

His Excellency, Dr. Julio Tober Donoso, Minister of Foreign
Affairs
His Excellency, Dr. Antonio Quevedo

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His Excellency, Dr. Eduardo Salazar
His Excellency, Miguel Angel de Ycaza
His Excellency, Victor Hugo Escala
Mr. Luis Eduardo Leso, Financial Attaché
Mr. César Espinosa, Secretary

CUBA

His Excellency, Dr. Miguel Angel Gampa, Secretary of State
His Excellency, Amedeo López Castro
His Excellency, Dr. Pedro Martínez Fraga
His Excellency, Dr. Emilio Núñez Portuondo
Dr. Ramiro Guerra, Technical Adviser
Dr. Gonzalo Güell, Secretary General
Mr. A. Soler, Tremolera, Attaché
Mr. Leandro García, Press Officer
Mr. Francisco C. Bedriñana, Attaché
Mr. Valentín Riva Patterson, Attaché

COSTA RICA

His Excellency, Tobías Zúñiga Montúfar, Secretary of Foreign
Affairs
His Excellency, Enrique Fonseca Zúñiga
His Excellency, Raúl Gardián
His Excellency, Modesto Martínez
Hon. Alvaro Zúñiga Quijano, Private Secretary to the Secretary
of Foreign Affairs

PERU

His Excellency, Dr. Enrique Goytisolo Bolognesi, Minister of
Foreign Affairs
Mr. Fernando Fuchs, Financial Adviser

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Dr. Luis Alvarado, Legal Adviser
Mr. Juan Chávez Dartnell, Commercial Adviser
Miss Rosina Vega Castro, Secretary

PARAGUAY

His Excellency, Dr. Justo P. Ietto, Minister of Foreign Affairs
Mr. Juan Erin Jr., Secretary

URUGUAY

His Excellency, Dr. Pedro Innini Ríos, Representative of the
Minister of Foreign Affairs
His Excellency, Dr. Hugo V. de Pena
Dr. José A. More Otero, Adviser

HONDURAS

His Excellency, Dr. Jesús María Rodríguez Jr. Representative of
the Secretary of Foreign Affairs
Mr. José Augusto Padilla, Secretary

CHILE

His Excellency, Manuel Bianchi, Representative of the Minister
of Foreign Affairs
His Excellency, Josélin de la Maza, Delegate
His Excellency, Benjamín Cohen, Delegate
His Excellency, Cayetano Vigar, Delegate
His Excellency, Luis Malaquías Concha, Adviser
Mr. Rodrigo González, Adviser
Mr. Javier Urrutia, Assistant Secretary

COLOMBIA

His Excellency, Dr. Luis López de Mesa, Minister of Foreign Affairs
His Excellency, Dr. Esteban Jaramillo, Delegate
His Excellency, Alberto Bayón, Economic Adviser
Dr. Guillermo Torres García, Commercial Adviser

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Dr. Cayetano Betancur, Legal Adviser
Mr. Daniel Jeramillo, Secretary

VENEZUELA

His Excellency, Dr. Santiago Key Ayala, Representative of the
Minister of Foreign Affairs
His Excellency, Dr. Mario Briceño Irigorry, Delegate
Mr. Delfín E. Pérez, Secretary
Dr. Victor Manuel Rivas, Secretary

ARGENTINA

His Excellency, Dr. Leopoldo Melo, Representative of the Minister
of Foreign Affairs
His Excellency, Dr. Luis A. Podestá, Delegate
Dr. Luis Mariano Zuberbühler, Secretary General
Dr. Mario Lassaaga, Secretary
Mr. Juan Carlos Goyensche, Secretary

GUATEMALA

His Excellency, Carlos Salazar, Secretary of Foreign Affairs
His Excellency, Alfonso Carrillo

PANAMA

His Excellency, Dr. Narciso Garay, Secretary of Foreign Affairs
and Communications
His Excellency, Dr. E. Fernández Jaén, Financial Adviser
His Excellency, Ernesto Méndez, Economic Adviser
His Excellency, Dr. Augusto S. Boyd, Adviser
His Excellency, Belisario Porras Jr., Adviser
Dr. Eduardo Chieri, Legal Adviser
Mr. Tomás H. Jácome, Economic Adviser
Mr. Octavio A. Vallarino, Economic Adviser
Mr. Pedro Moreno Correa, Secretary

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NICARAGUA

His Excellency, Dr. Manuel Cordero Reyes, Minister of Foreign Affairs

His Excellency, Dr. José Jesús Sánchez, Delegate

His Excellency, Adolfo Altamirano Browne, Delegate

Mr. Emilio Ortega, Secretary

DOMINICAN REPUBLIC

His Excellency, José Ramón Rodríguez, Representative of the Secretary of Foreign Affairs

Mr. Nicolás Vega, Economic Adviser

BRAZIL

His Excellency, Carlos Martins, Representative of the Minister of Foreign Affairs

His Excellency, Manuel César de Góes Monteiro, Delegate

Mr. Abelardo Bretanha Bueno do Prado, Adviser

Mr. Jácome Baggi de Berenguer César, Adviser

Mr. Hugo Gouthier de Oliveira Gondim, Secretary

Mr. Fernando Saboia de Medeiros, Secretary

Mr. Guilherme Correia Araujo, Attaché

BOLIVIA

His Excellency, Dr. Alberto Ostria Gutiérrez, Minister of Foreign Affairs

His Excellency, Luis F. Guachalla

Mr. Franklin Antezana, Financial Adviser

Mr. Gustavo Medeiros Querejazu, Secretary

UNITED STATES OF AMERICA

His Excellency, Sumner Welles, Representative of the Secretary of State

His Excellency, Edwin C. Wilson, Adviser

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Dr. Herbert Feis, Adviser
Dr. Warren Kelchner, Adviser and Secretary General
Dr. Marjorie M. Whiteman, Legal Adviser
Mr. Sheldon Thomas, Press Officer
Mr. Paul C. Daniels, Private Secretary to the Representative of
the Secretary of State
Miss Anna L. Clarkson, Assistant to the Representative of the
Secretary of State

HAITI

His Excellency, Leon Laleau, Secretary of Foreign Affairs and
Public Works
His Excellency, Raúl Lizzaire, Adviser
Mr. Max H. Dorsinville, Secretary
Mr. Manuel J. Castillo

EL SALVADOR

His Excellency, Dr. Patrocinio Guzmán Trigueros, Representative
of the Minister of Foreign Affairs
Mr. Jorge Argueta Cea, Secretary

The President of the Republic of Panama, His Excellency,
Dr. Juan Demóstenes Arosemena, officially inaugurated the meeting
at a plenary session held on September 23, 1939, at 5:00 P.M., in
the National Institute. The Secretary of Foreign Affairs and
Communications of Panama, His Excellency, Dr. Narciso Garay,
acted as provisional president, and Mr. Jephtha B. Duncan acted
as secretary general.

His Excellency, the Mexican Secretary of Foreign Affairs,
made a motion that the work of the Meeting should be placed
under the auspices of the Liberator, Simon Bolívar; and at the
proposal of His Excellency, the Secretary of Foreign Affairs

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of Panama, Provisional President, this motion was approved. The latter also made a motion - which was approved and carried out - that all those present, the Secretaries of Foreign Affairs or their representatives, other delegates, the personnel of the Meeting, and the general public, arise and remain silent for one minute in homage to the memory of Bolivar.

His Excellency, Dr. Narciso Garay, was elected permanent president of the meeting at the plenary session held on September 25, 1939. The regulations of the meeting were approved at a preliminary session held on September 23, 1939.

In accordance with the regulations, a committee on credentials was appointed composed of His Excellency, Dr. Carlos Salazar (Guatemala) as Chairman, His Excellency, Dr. Alberto Ostria Gutiérrez (Bolivia) and His Excellency, Dr. Patrocinio Guzmán Trigueros (El Salvador).

A committee on coordination was also appointed composed of His Excellency, Dr. Manuel César de Goes Monteiro (Brazil), His Excellency, Dr. Julio Tobar Donoso (Ecuador), His Excellency, Honorable León Lalesu (Haiti) and the Honorable Sumner Welles (United States of America).

The program of the meeting was approved by the Governing Board of the Pan American Union on September 12, 1939.

As a result of the consultations, the Meeting of Foreign Ministers of the American Republics approved the following declarations and resolutions.

I

TRIBUTE TO THE LIBERATOR

WHEREAS:

The place of meeting of the First Pan-American Congress of

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1826 is close to the monument erected to the glory of the Liberator, by the gratitude of the 21 Republics represented at this Consultative Meeting; and

For reasons, the enumeration of which are superfluous, it is fitting that there be held a joint public manifestation of respect by this Meeting in memory of Simon Bolivar,

The Meeting of the Foreign Ministers of the American Republics

RESOLVES:

To go in a body to the statue of the Liberator, immediately after the closing session of the Meeting, to deposit a floral wreath as an expression of the sentiment of gratitude of the 21 Republics of our Continent. Those attending shall be invited afterwards to visit the Sala Capitular where the First Pan-American Congress, conceived by the Liberator, was held. (Approved, October 3, 1939).

II

TEXTS OF DECREES AND REGULATIONS ON NEUTRALITY

For the purpose of keeping each other fully informed regarding the measures of neutrality taken by the American Republics during the continuance of the existing European conflict,

The Meeting of the Foreign Ministers of the American Republics

RESOLVES:

To recommend that the Governments of the American Republics transmit to the Pan American Union the texts of all the decrees

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and regulations approved by each country relative to its neutrality in the present conflict in order that the Union may communicate copies of these documents to the various governments for their information. (Approved October 3, 1939).

III

DISCUSSION AND VOTE AT THESE MEETINGS

WHEREAS:

Several Governments represented at this Meeting, following precedents established at regular Pan-American Conferences, have accredited to this Meeting plural delegations associating with their respective Ministers or Secretaries of Foreign Relations persons eminent in their national public life whose Governments understood that their participation would be on equal terms with the Foreign Ministers; and

This interpretation, explicable at a first Consultative Meeting having neither precedents nor established jurisprudence for its guidance, has placed certain of these Governments and their representatives at this Meeting in a difficult position which it is just and advisable to remedy by all possible means; therefore,

The Meeting of the Foreign Ministers of the American Republics

RESOLVES:

That in view of these facts and with the understanding that this situation will not arise in later meetings of this kind and that it cannot be taken as a precedent in the future, the plenipotentiary delegates who accompany their Foreign Ministers on this occasion shall be permitted to take their places

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at the council table with the right to participate in discussions, but with the right to vote reserved to the Foreign Minister or to his duly accredited representative. (Approved October 3, 1939).

IV

ECONOMIC COOPERATION

The Meeting of the Foreign Ministers of the American Republics

RESOLVES:

1. In view of the present circumstances, to declare that today it is more desirable and necessary than ever to establish a close and sincere cooperation between the American Republics in order that they may protect their economic and financial structure, maintain their fiscal equilibrium, safeguard the stability of their currencies, promote and expand their industries, intensify their agriculture and develop their commerce.

2. To create an Inter-American Financial and Economic Advisory Committee consisting of twenty-one (21) experts in economic problems, one for each of the American Republics, which shall be installed in Washington, D. C., not later than November 15, 1939, and which shall have the following functions:

(a) To consider any problem of monetary relationships, foreign exchange management, or balance of international payment situation, which may be presented to it by the Government of any of the American Republics, and to offer to that Government whatever recommendations it deems desirable.

(b) To study the most practical and satisfactory means of obtaining the stability of the monetary and commercial relationships between the American Republics.

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(c) To provide, with the cooperation of the Pan American Union, the means for the interchange of information between the Governments of the American Republics with reference to the matters mentioned in the two preceding sub-paragraphs, as well as for the exchange of production, foreign trade, financial and monetary statistics, custom legislation and other reports on Inter-American commerce.

(d) To study and propose to the Governments the most effective measures for mutual cooperation to lessen or offset any dislocations which may arise in the trade of the American Republics and to maintain trade among themselves, and as far as possible, their trade with the rest of the world, which may be affected by the present war, on the basis of those liberal principles of international trade approved at the Seventh and Eighth International Conferences of American States and the Inter-American Conference for the Maintenance of Peace. These principles shall be retained as the goal of their long-term commercial policies in order that the world shall not lack a basis of world-wide international trade in which all may participate after world order and peace may be restored.

(e) To study the possibility of establishing a custom truce, of reducing custom duties on the typical commodities which an American country may offer in the market of another American country, of abolishing or modifying import licenses on such commodities, as well as all the other obstacles which render difficult the interchange of products between the said countries, of adopting a uniform principle of equality of treatment, eliminating all discriminatory measures, and of giving ample facilities to salesman traveling from an American country to another.

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(f) To study the necessity of creating an inter-American institution which may render feasible and insure permanent financial cooperation between the treasuries, the Central Banks and analogous institutions of the American Republics, and propose the manner and conditions under which such an organization should be established and determine the matters with which it should deal.

(g) To study measures which tend to promote the importation and consumption of products of the American Republics, especially through the promotion of lower prices and better transportation and credit facilities.

(h) To study the usefulness and feasibility of organizing an Inter-American Commercial Institute to maintain the importers and exporters of the American Republics in contact with each other and to supply them with the necessary data for the promotion of inter-American trade.

(i) To study the possibility of establishing new industries and negotiating commercial treaties, especially for the interchange of the raw materials of each country.

(j) To study the possibility that silver be also one of the mediums for international payments.

The Inter-American Economic Advisory Committee shall communicate to the Governments the results of the studies made in each case and shall recommend the measures which it considers should be taken.

3. To recommend to the Governments of the American Republics:

(a) To take measures in accordance with their own

respective legislation, with a view to avoiding increases of rates or premiums to an extent not justified by the special expenses and risks incurred because of the present state of war, by shipping companies which maintain transportation services between the countries of the Continent, and marine insurance companies operating in their territories.

(b) To promote the negotiation of bilateral or multi-lateral agreements for the organization and maintenance of regular and connected steamship services between the countries of the Continent in order to facilitate the direct traffic of passengers and cargoes. These agreements are to make special provisions for traveling salesmen and commercial samples.

(c) To study the possibility of reducing to a minimum consular fees on manifests of vessels in the above-mentioned services, so as to make possible the shipment of reduced quantities of commodities which require rapid and special transportation.

(d) To study the possibility, in accordance with their legislation, of reducing to a minimum port, sanitary and other formalities applied to the traffic of merchandise between the American Republics.

4. To recommend to the Governments that they do everything possible to abolish obstacles to the free inter-American movement of capital.

5. To recommend to the Governments that, when deemed necessary, they negotiate agreements in accordance with the circumstances and legislation of each country, with a view to the establishment of bases that would make feasible and secure the granting of inter-American credits which may serve to intensify

the interchange of products as well as for the development of natural resources.

6. To request the governments of the most industrialized countries of the Continent to do whatever is possible, within their legal faculties and circumstances, to prevent excessive and unjustified increases in the prices of manufactured articles destined for export.

7. To recommend that the American Governments promote the negotiation of arrangements, in accordance with their legislation and within their possibilities, with a view to obtaining ample facilities with regard to the treatment or re-embarkation of merchandise sold or acquired by American countries, detained at the present moment on board merchant vessels of countries at war which are unable to transport it to its original destination.

8. To recommend to the respective Governments that they preserve in a reciprocal and generous form the legitimate principle of freedom of communications and transit through the ports and territories of the American nations, in accordance with the legislation and international agreements in force.

9. To recommend that countries bordering on each other hold, among themselves, meetings of their Ministers of Foreign Affairs, or of their Ministers of Finance, or of special plenipotentiaries, in the capital of one of them, in order to arrive at agreements for solving common problems of a financial, fiscal, or economic character, in conformity with the relevant general principles of commercial policy approved at recent inter-American Conferences.

10. To make every effort in order to complete their respective sections of the Pan American Highway and to recommend to the

countries which have ratified the Buenos Aires Convention that they designate as soon as possible one or more experts to expedite the fulfillment of the recommendations of the Third Pan American Highway Congress. (Approved, October 3, 1939).

V

JOINT DECLARATION OF CONTINENTAL SOLIDARITY

The Governments of the American Republics, represented at this first meeting of their Foreign Ministers,

Firmly united by the democratic spirit which is the basis of their institutions,

Desirous of strengthening on this occasion the solidarity which is the outgrowth of that spirit, and

Desirous of preserving peace in the American Continent and of promoting its reestablishment throughout the world,

DECLARE

1. That they reaffirm the declaration of solidarity among the nations of this Hemisphere, proclaimed at the Eighth International Conference of American States at Lima in 1938;

2. That they will endeavor with all the appropriate spiritual and material means at their disposal to maintain and strengthen peace and harmony among the Republics of America, as an indispensable requirement to the effective fulfillment of the duty that devolves upon them in the world-wide historical development of civilization and culture;

3. That these principles are free from any selfish purpose of isolation, but are rather inspired by a deep sense of universal cooperation, which impels these nations to express the most fervent wishes for the cessation of the deplorable

state of war which today exists in some countries of Europe, to the grave danger of the most cherished spiritual, moral and economic interests of humanity, and for the reestablishment of peace throughout the world -- a peace not based on violence, but on justice and law. (Approved, October 3, 1939).

VI

GENERAL DECLARATION OF NEUTRALITY OF THE AMERICAN REPUBLICS

WHEREAS:

As proclaimed in the Declaration of Lima, "The peoples of America have achieved spiritual unity through the similarity of their republican institutions, their unshakable will for peace, their profound sentiment of humanity and tolerance, and through their absolute adherence to the principles of international law, of the equal sovereignty of States and of individual liberty without religious or racial prejudices";

This acknowledged spiritual unity presupposes common and solidary attitudes with reference to situations of force which, as in the case of the present European war, may threaten the security or the sovereign rights of the American Republics;

The attitude assumed by the American Republics has served to demonstrate that it is their unanimous intention not to become involved in the European conflict; and

It is desirable to state the standards of conduct, which, in conformity with international law and their respective internal legislation, the American Republics propose to follow, in order to maintain their status as neutral states and fulfill their neutral duties, as well as require the recognition of the rights inherent in such a status,

The Meeting of the Foreign Ministers of the American

Republics

RESOLVES

1. To reaffirm the status of general neutrality of the American Republics, it being left to each one of them to regulate in their individual and sovereign capacities the manner in which they are to give it concrete application.

2. To have their rights and status as neutrals fully respected and observed by all belligerents and by all persons who may be acting for or on behalf of or in the interest of the belligerents.

3. To declare that with regard to their status as neutrals, there exist certain standards recognized by the American Republics applicable in these circumstances and that in accordance with them they:

(a) Shall prevent their respective terrestrial, maritime and aerial territories from being utilized as bases of belligerent operations.

(b) Shall prevent, in accordance with their internal legislations, the inhabitants of their territories from engaging in activities capable of affecting the neutral status of the American Republics.

(c) Shall prevent on their respective territories the enlistment of persons to serve in the military, naval, or air forces of the belligerents; the retaining or inducing of persons to go beyond their respective shores for the purpose of taking part in belligerent operations; the setting on foot of any military, naval or aerial expedition in the interests of the belligerents; the fitting out, arming, or augmenting of the forces or armament of any ship or vessel to be employed in the

service of one of the belligerents, to cruise or commit hostilities against another belligerent, or its nationals or property; the establishment by the belligerents or their agents of radio stations in the terrestrial or maritime territory of the American Republics, or the utilization of such stations to communicate with the governments or armed forces of the belligerents.

(d) May determine, with regard to belligerent warships, that not more than three at a time be admitted in their own ports or waters and in any case they shall not be allowed to remain for more than twenty-four hours. Vessels engaged exclusively in scientific, religious or philanthropic missions may be exempted from this provision, as well as those which arrive in distress.

(e) Shall require all belligerent vessels and aircraft seeking the hospitality of areas under their jurisdiction and control to respect strictly their neutral status and to observe their respective laws and regulations and the rules of international law pertaining to the rights and duties of neutrals and belligerents; and in the event that difficulties are experienced in enforcing the observance of and respect for their rights, the case, if so requested, shall thereupon become a subject of consultation between them.

(f) Shall regard as a contravention of their neutrality any flight by the military aircraft of a belligerent state over their own territory. With respect to non-military aircraft, they shall adopt the following measures: such aircraft shall fly only with the permission of the competent authority; all aircraft, regardless of nationality, shall follow routes determined by the said authorities; their commanders or pilots

shall declare the place of departure, the stops to be made and their destination; they shall be allowed to use radio-telegraphy only to determine their route and flying conditions, utilizing for this purpose the national language, without code, only the standard abbreviations being allowed; the competent authorities may require aircraft to carry a co-pilot or a radio operator for purposes of control. Belligerent military aircraft transported on board warships shall not leave these vessels while in the waters of the American Republics; belligerent military aircraft landing in the territory of an American Republic shall be interned with their crews until the cessation of hostilities, except in cases in which the landing is made because of proven distress. There shall be exempted from the application of these rules cases in which there exist conventions to the contrary.

(g) May submit belligerent merchant vessels, as well as their passengers, documents and cargo, to inspection in their own ports; the respective consular agent shall certify as to the ports of call and destination as well as to the fact that the voyage is undertaken solely for the purposes of commercial interchange. They may also supply fuel to such vessels in amounts sufficient for the voyage to a port of supply and call in another American Republic, except in the case of a direct voyage to another continent, in which circumstance they may supply the necessary amount of fuel. Should it be proven that these vessels have supplied belligerent warships with fuel, they shall be considered as auxiliary transports.

(h) May concentrate and place a guard on board belligerent merchant vessels which have sought asylum in their

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waters, and may intern those which have made false declarations as to their destinations, as well as those which have taken an unjustified or excessive time in their voyage, or have adopted the distinctive signs of warships.

(i) Shall consider as lawful the transfer of the flag of a merchant vessel to that of any American Republic provided such transfer is made in good faith, without agreement for resale to the vendor, and that it takes place in the waters of an American Republic.

(j) Shall not assimilate to warships belligerent armed merchant vessels if they do not carry more than four six-inch guns mounted on the stern, and their lateral decks are not reinforced, and if, in the judgment of the local authorities, there do not exist other circumstances which reveal that the merchant vessels can be used for offensive purposes. They may require of the said vessels, in order to enter their ports, to deposit explosives and munitions in such places as the local authorities may determine.

(k) May exclude belligerent submarines from the waters adjacent to their territories or admit them under the condition that they conform to the regulations which each country may prescribe.

4. In the spirit of this declaration, the Governments of the American Republics shall maintain close contact with a view to making uniform so far as possible, the enforcement of their neutrality and to safeguarding it in defense of their fundamental rights.

5. With a view to studying and formulating recommendations

with respect to the problems of neutrality, in the light of experience and changing circumstances, there shall be established, for the duration of the European war, an Inter-American Neutrality Committee, composed of seven experts in international law, who shall be designated by the Governing Board of the Pan American Union before November 1, 1939. The recommendations of the Committee shall be transmitted, through the Pan American Union, to the Governments of the American Republics. (Approved October 3, 1939).

VII

HUMANIZATION OF WAR

WHEREAS:

The American nations have unanimously condemned war as a means of settling international controversies;

These states have adhered to non-American pacts and have signed agreements in the various International Conferences of American States with a view to mitigating the unnecessary horrors of war and prescribing the methods by which they are occasioned; and

The peoples of the American Republics have given traditional proof of their humanitarian feelings, lending effective aid to the victims of war and disaster,

The Meeting of the Foreign Ministers of the American Republics

RESOLVES

1. To make a fervent appeal to the European countries now in conflict to arrive at a settlement of their controversies through pacific means, on the essential basis of justice

and law and not on the dictates of force; and that they abstain from:

- (a) The use of poisonous gases and other chemical methods of warfare which produce irreparable and permanent injuries;
- (b) Bombarding open cities, objects and places without military value, whether from land, sea or air;
- (c) Employing inflammable liquids;
- (d) Poisoning waters and disseminating bacteria;
- (e) Employing offensive weapons which increase the suffering of the wounded;
- (f) Imposing unnecessarily rigorous measures upon civilian populations;
- (g) Sinking merchant vessels without having first placed the passengers, crew and ship's papers in a place of safety.

2. To condemn in all armed conflict the unrestricted application of measures causing unnecessary and inhuman suffering in injuring the enemy.

3. To express the hope that the National Red Cross Societies in the American Republics broaden the scope of their humanitarian work for the relief of the victims of the present European war, and that the Governments lend every facility and support to their respective Red Cross Societies in carrying forward this work. (Approved, October 3, 1939).

VIII

CONTRABAND OF WAR

WHEREAS:

The Convention on Maritime Neutrality, signed at

Havana on February 20, 1928, recites in the Preamble thereof that "international solidarity requires that the liberty of commerce should be always respected, avoiding as far as possible unnecessary burdens for the neutrals";

Article 16 of the same Convention stipulates that "Credits that a neutral state may give to facilitate the sale or exportation of its food products and raw materials" are not included within the prohibition contained in that article against the granting of loans or the opening of credits to a belligerent by a neutral state during the duration of war;

The American Republics cannot remain indifferent to measures that restrict their normal commerce with belligerents in foodstuffs, clothing and raw materials for peace-time industries;

Elemental humanitarian considerations impel the American Republics to deplore the deprivation of civilian populations of the normal means of subsistence;

The American Republics, in accordance with a lofty conception of neutrality, consider unjustified the limitations which may be placed upon their legitimate commerce and trade with the neutral countries of other continents; and

The American Republics consider that it is indispensable to avoid, in accordance with their domestic laws, the effects of measures within their respective territories and in detriment to their sovereignty, which the belligerent governments may take to restrict the freedom of trade of their nationals in neutral countries,

The Meeting of the Foreign Ministers of the American Republics

RESOLVES:

1. To register its opposition to the placing of food-stuffs and clothing intended for civilian populations, not destined directly or indirectly for the use of a belligerent government or its armed forces, on lists of contraband.

2. To declare that they do not consider contrary to neutrality the granting of credits to belligerents for the acquisition of merchandise mentioned in the foregoing paragraph, whenever permitted by the domestic legislation of the neutral countries.

3. That the Neutrality Committee, established by another agreement of this Meeting, shall undertake the immediate study of whatever concerns the commercial situation of raw materials, minerals, plant or animal, produced by the American Republics, and shall recommend such individual or collective action that should be taken by the governments for the purpose of reducing the unfavorable effects on the free movement of these commodities, of contraband declarations and other economic measures of the belligerent countries. (Approved, October 3, 1939).

IX

COORDINATION OF POLICE AND JUDICIAL MEASURESFOR THE MAINTENANCE OF NEUTRALITY

WHEREAS:

In order better to safeguard the neutrality of the American Republics to whatever extent it may be affected by unlawful activities undertaken by individuals, whether nationals or aliens, residing therein, with the purpose of benefiting any foreign belligerent State, it is desirable to coordinate the preventive or repressive action of the police and judicial authorities, especially with respect to

the rapid and frequent interchange of information, as well as the surveillance, apprehension and custody of suspected individuals;

On February 29, 1920, there was signed in Buenos Aires an agreement between various American Republics, for the purpose of coordinating police activity, insofar as it relates, in a general way, to common crimes; and

The procedure of extradition, complementing the objective in the judicial and repressive aspect, should be strengthened among the American Republics through adequate rules and by extending it to all of them,

The Meeting of the Foreign Ministers of the American Republics

RESOLVES:

1. That action be taken, as soon as possible, through an exchange of views between the Foreign Offices, or through an Inter-American Conference, for the formulation between themselves of coordinated rules and procedure of a useful, opportune and effective manner, that will facilitate the action of the police and judicial authorities of the respective countries in preventing or repressing unlawful activities that individuals, whether they be nationals or aliens, may attempt in favor of a foreign belligerent State.

2. That the necessary steps be taken for the ratification, as soon as possible, of the Convention on Extradition signed at the Seventh International Conference of American States, held at Montevideo in 1933. (Approved October 3, 1939).

X.

MAINTENANCE OF INTERNATIONAL ACTIVITIES
IN ACCORDANCE WITH CHRISTIAN MORALITY

The Governments of the American Republics, represented at the First Meeting of the Foreign Ministers of the American Republics

D E C L A R E

1. That they reaffirm their faith in the principles of Christian civilization, and their confidence that, in the light of these principles, the influence of international law will be strengthened among nations;
2. That they condemn attempts to place international relations and the conduct of warfare outside the realm of morality;
3. That they reject all methods for the solution of controversies between nations based on force, on the violation of treaties, or on their unilateral abrogation;
4. That they consider the violation of the neutrality or the invasion of weaker nations as an unjustifiable measure in the conduct and success of war; and
5. That they undertake to protest against any warlike act which does not conform to international law and the dictates of justice. (Approved, October 3, 1939.)

XI.

RECOMMENDATION TO THE INTERNATIONAL CONFERENCE
OF JURISTS

WHEREAS:

The project of convention for the creation of an Association of American Nations, presented to the Eighth International Conference of American States by the Republic of Colombia and the Domin-

ican Republic in accordance with the request of the Inter-American Conference for the Maintenance of Peace, was referred for study to the International Conference of American Jurists,

THE MEETING OF THE FOREIGN MINISTERS OF THE AMERICAN REPUBLICS
RESOLVES

To recommend to the International Conference of American Jurists that, in studying the said project of Convention for the creation of an Association of American Nations, it take into consideration, in so far as possible, the declarations, resolutions and agreements of this Meeting of Consultation. (Approved October 3, 1939.)

XII.

PROTECTION OF THE INTER-AMERICAN IDEAL AGAINST
SUBVERSIVE IDEOLOGIES

WHEREAS:

On more than one occasion the American Republics have affirmed their adherence to the democratic ideal which prevails in this Hemisphere;

This ideal may be endangered by the action of foreign ideologies inspired in diametrically opposite principles; and

It is advisable, consequently, to protect the integrity of this ideal through the adoption of appropriate measures,

THE MEETING OF THE FOREIGN MINISTERS OF THE AMERICAN REPUBLICS
RESOLVES:

To recommend to the Governments represented therein, that they take the necessary measures to eradicate from the Americas the spread of doctrines that tend to place in jeopardy the common Inter-American democratic ideal. (Approved, October 3, 1939)

XIII.

FUTURE MEETING OF FOREIGN MINISTERS

WHEREAS:

On the supposition that the war may continue for a more or less extended period, and the state of emergency which now exists may, a year hence, have become accentuated or that there may exist an abnormal post-war situation which may require consideration,

THE MEETING OF THE FOREIGN MINISTERS OF THE AMERICAN REPUBLICS
RESOLVES:

To suggest to the respective Governments the desirability of having their Ministers of Foreign Affairs meet in the city of Habana, capital of the Republic of Cuba, on October 1, 1940, without prejudice to an earlier meeting if this should be found necessary. (Approved, October 3, 1939.)

XIV.

ORGANIZATION OF THE ECONOMIC ADVISORY COMMITTEE

THE MEETING OF THE FOREIGN MINISTERS OF THE AMERICAN REPUBLICS
RESOLVES:

To request the Governments of the American Republics to designate as soon as possible the experts who shall constitute the Inter-American Financial and Economic Advisory Committee, the organization of which shall be entrusted to the Pan American Union. (Approved, October 3, 1939.)

XV.

DECLARATION OF PANAMA

The Governments of the American Republics meeting at Panama, have solemnly ratified their neutral status in the conflict which is disrupting the peace of Europe, but the present war may lead to unexpected results which may affect the fundamental interests of America and there can be no justification for the interests of the belligerents to prevail over the rights of neutrals causing disturbances and suffering to nations which by their neutrality in the conflict and their distance from the scene of events, should not be burdened with its fatal and painful consequences.

During the World War of 1914-1918 the Governments of Argentina, Brazil, Chile, Colombia, Ecuador and Peru advanced, or supported, individual proposals providing in principle a declaration by the American Republics that the belligerent nations must refrain from committing hostile acts within a reasonable distance from their shores.

The nature of the present conflagration, in spite of its already lamentable proportions, would not justify any obstruction to inter-American communications which, engendered by important interests, call for adequate protection. This fact requires the demarcation of a zone of security including all the normal maritime routes of communication and trade between the countries of America.

To this end it is essential as a measure of necessity to adopt immediately provisions based on the above-mentioned precedents for the safeguarding of such interests, in order to

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avoid a repetition of the damages and sufferings sustained by the American nations and by their citizens in the war of 1914-1918.

There is no doubt that the Governments of the American Republics must foresee those dangers and as a measure of self-protection insist that the waters to a reasonable distance from their coasts shall remain free from the commission of hostile acts or from the undertaking of belligerent activities by nations engaged in a war in which the said governments are not involved.

For these reasons the Governments of the American Republics RESOLVE AND HEREBY DECLARE:

1. As a measure of continental self-protection, the American Republics, so long as they maintain their neutrality, are as of inherent right entitled to have those waters adjacent to the American continent, which they regard as of primary concern and direct utility in their relations, free from the commission of any hostile act by any non-American belligerent nation, whether such hostile act be attempted or made from land, sea or air.

Such waters shall be defined as follows. All waters comprised within the limits set forth hereafter except the territorial waters of Canada and of the undisputed colonies and possessions of European countries within these limits:

Beginning at the terminus of the United States-Canada boundary in Passamaquoddy Bay, in $44^{\circ} 48' 36''$ north latitude, and $66^{\circ} 54' 11''$ west longitude;

Thence due east along the parallel $44^{\circ} 48' 36''$ to a point 60° west of Greenwich;

Thence due south to a point in 20° north latitude;

Thence by a rhumb line to a point in 5° north latitude, 24° west longitude;

Thence due south to a point in 20° south latitude;

Thence by a rhumb line to a point in 59° south latitude, 57° west longitude;

Thence due west to a point in 80° west longitude;

Thence by a rhumb line to a point on the equator in 97° west longitude;

Thence by a rhumb line to a point in 15° north latitude, 120° west longitude;

Thence by a rhumb line to a point in 48° 29' 38" north latitude, 136° west longitude;

Thence due east to the Pacific terminus of the United States-Canada boundary in the Strait of Juan de Fuca.

2. The Governments of the American Republics agree that they will endeavor, through joint representation to such belligerents as may now or in the future be engaged in hostilities, to secure the compliance by them with the provisions of this Declaration, without prejudice to the exercise of the individual rights of each State inherent in their sovereignty.

3. The Governments of the American Republics further declare that whenever they consider it necessary they will consult together to determine upon the measures which they may individually or collectively undertake in order to assure the observance of the provisions of this Declaration.

4. The American Republics, during the existence of a state of war in which they themselves are not involved, may undertake, whenever they may determine that the need therefor exists, to patrol, either individually or collectively, as may be agreed upon by common consent, and in so far as the means and resources of each may permit, the waters adjacent to their coasts within the area above defined.

(Approved, October 3, 1934)

DECLARATION OF THE BRAZILIAN GOVERNMENT ON CONTINENTAL WATERS

The sovereignty of the American Continent is founded on the inviolate bases of consultation, non-intervention, conciliation, arbitration, and above all, on the pacific sentiment of the American nations, who are enemies of war and friends of peace.

We do not have and we will not have anything to fear from each other in America; on the contrary, we have in each other, on land, sea and air, the assurance of security for each and all of the nations of America.

Continental security against overseas aggression must be obtained on sounder bases.

It is on the seas that surround us that lies the future fate of our sovereignties, because the protection of American soil will not be possible, as in the past, without the security of the surrounding seas.

The sea, outside territorial waters, only three miles from our coast, from our cities and even from our capitals, not only is not ours, but in it we are at the mercy of any action contrary to the free and peaceful expansion of our sovereignty, of our continental relations and even of the maritime communications between ports of the same country.

To the defense of the continental territorial integrity, we must add, therefore, as an inseparable part of an American political whole, the security of continental waters.

The Meeting at Panama must request and receive from all the belligerents engaged in the war, in which no American Republic is

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involved, the assurance that the countries in conflict will abstain from any belligerent act or activity on the sea, within the limit of the waters adjacent to the American Continent considered as being useful or of direct and primary interest to the American Republics.

We expect the belligerent nations, and those which in the future may take part in the present war, to observe and respect this Declaration which will be made in Panama as a complement of the Monroe Doctrine and of the Declarations of Buenos Aires and Lima.

We believe that the principle of continental waters will not affect the sovereignty of other nations, but rather that it will protect the sovereignty of the American countries and will favor the peaceful relations of all nations.

Our Continent, furthermore, has a right to reduce the effects of the war, by preventing its conflicts from being brought near our shores to perturb our tranquility, threatening to compromise or complicate our neutral status.

Brazil does not make and never has made an issue of formulas and words, but the idea that it suggested with regard to continental waters will be defended by Brazil, because it considers the principle useful for its existence and that of the other Republics of America.

These are the bases of the Brazilian vote and of the attitude of its delegates to the meeting of Panama.

DECLARATION OF THE ARGENTINE DELEGATION

The Argentine Delegation declares that in waters adjacent to the South American Continent, in that territorial extent of coasts which, in the zone defined as free from any hostile act, corresponds to the Argentine Republic, it does not recognize the existence of colonies or possessions of European countries, and adds that it specifically reserves and maintains intact the legitimate titles and rights of the Argentine Republic to islands such as the Malvinas, as well as to any other Argentine territory located within or beyond the said zone.

DECLARATION OF THE MINISTER OF FOREIGN AFFAIRS OF GUATEMALA

The declaration and reservation of His Excellency, Dr. Melo, of Argentina, impels me to present, on behalf of Guatemala, a like declaration and reservation, because the controversy of Guatemala with the British Empire is similar and my silence might be interpreted as an abandonment of the legitimate rights now under discussion.

XVI.

TRANSMISSION OF DECLARATION OF PANAMA

The Meeting of the Foreign Ministers of the American Republics

RESOLVES

To request the President of the Republic of Panama, His Excellency, Dr. Juan Demóstenes Arosemena, to transmit, in the name of all the Republics of America, the Declaration of Panama to the belligerent governments involved in the European war, as well as to any other government who might become a party to the conflict in the future. (Approved October 3, 1939).

XVII.

TRANSFER OF SOVEREIGNTY OF GEOGRAPHIC REGIONS OF THE AMERICAS
HELD BY NON-AMERICAN STATES

The Meeting of the Foreign Ministers of the American
Republics

RESOLVES:

1. That in case any geographic region of America subject to the jurisdiction of any non-American state should be obliged to change its sovereignty and there should result therefrom a danger to the security of the American Continent, a consultative meeting such as the one now being held will be convoked with the urgency that the case may require.

2. It is understood that this resolution shall not apply to a change of status resulting from the settlement of questions now pending between non-American states and states of the Continent. (Approved October 3, 1939).

XVIII.

APPRECIATION FOR THE ORGANIZATION AND HOSPITALITY BESTOWED
BY THE REPUBLIC OF PANAMA

The Meeting of the Foreign Ministers of the American
Republics

RESOLVES:

To solemnly express its great satisfaction for the correct and efficient arrangements made by the Republic of Panama for the assistance of the Representatives of the American Republics in the fulfillment of their duties, and to express its deepest appreciation to the Government of the Republic of Panama for the cordial hospitality and constant attention extended to the members of the Delegations. (Approved October 3, 1939).

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SECRETARIA GENERAL

In witness whereof the following Ministers of Foreign Affairs or their Representatives sign the present Final Act, and hereunto affix their respective Seals.

Done at Panama on the 3rd day of October 1939, in the English, Spanish, Portuguese and French languages, the respective texts to be deposited in the archives of the Pan American Union. The Secretary General of the Meeting shall hand these texts to the Ministry of Foreign Affairs of Panama for transmittal to the Pan American Union.

MEXICO:

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EQUADOR:

[Handwritten signature]

CUBA

[Handwritten signature]

COSTA RICA



Roberto Salazar

PERU

Clayton B. Kopp

PARAGUAY

Guillermo Espinosa



URUGUAY

P. Manríquez

de que se aprueba la parte ^{en el entendido} *de* _{de} *resoluciones o declaraciones*



HONDURAS

Juan Amador



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Pape 38

CHILE

Mariano Bianchi

COLOMBIA

Luis López Mesa

VENEZUELA

ad referendum, conforme a los terminos de los Poderes que se nos han conferido, y con reserva de la firma de la Resolución referente a los Colonos europeos en America por la base establecida por el Representacion de votar.

ARGENTINA

Alfonso Riquelme - Moyano

Rlop de elo

GUATEMALA

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PANAMA

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NICARAGUA

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DOMINICAN REPUBLIC

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BRASIL

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BOLIVIA

Armasola



UNITED STATES OF AMERICA

D. H. Kelly



HAITI

Leclercq



EL SALVADOR

Blanco

