



THE INTERNATIONAL CONFERENCES OF AMERICAN STATES

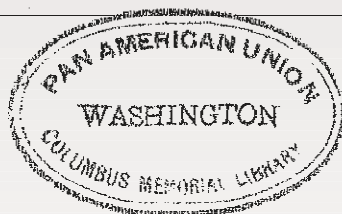
1889-1928

A Collection of the Conventions, Recommendations, Resolutions, Reports, and Motions adopted by the First Six International Conferences of the American States, and Documents relating to the Organization of the Conferences

EDITED WITH AN INTRODUCTION BY

JAMES BROWN SCOTT

*Director of the Division of International Law of the
Carnegie Endowment for International Peace*



NEW YORK
OXFORD UNIVERSITY PRESS
LONDON, TORONTO, MELBOURNE, AND BOMBAY
1931



TREATY OF PERPETUAL UNION, LEAGUE, AND CONFEDERATION BETWEEN THE
REPUBLICS OF COLOMBIA, CENTRAL AMERICA, PERU, AND THE UNITED
MEXICAN STATES, JULY 15, 1826 ¹

In the Name of Almighty God, Author and Law-giver of the Universe:

The Republics of Colombia, Central America, Peru, and the United Mexican States, desiring the more firmly to bind their present intimate relations and to cement in the most solemn

¹ International American Conference. *Reports of Committees and Discussions Thereon*, vol. iv, p. 184.

In addition to the present treaty, three other documents were signed by the congress, as follows: an agreement under Article II of the Treaty of Perpetual Confederation, providing that the congress should meet periodically at Tacubaya, Mexico, and fixing the qualifications

and stable manner those which should hereafter exist between them, which well becomes nations having a common origin, that have fought in unison to secure the benefits of liberty and independence, in the possession of which they now happily find themselves, and are firmly resolved to continue, confiding to this end upon the assistance of Divine Providence, which has so visibly protected the justice of their cause, have decided to duly appoint and commission ministers plenipotentiary, who, after meeting and coming together in this assembly, should agree upon the means of making so salutary an undertaking perfect and enduring.

To this end the said Governments have conferred full powers upon the following, to wit:

His excellency the Vice-President, acting Chief Executive of the Republic of Colombia, upon the most excellent Señores Pedro Gual and Pedro Briceño Mendez, brigadier-general of the armies of said Republic.

His excellency the President of the Republic of Central America, upon the most excellent Señores Antonio Larrazabal and Pedro Molina.

The excellent the council of Government of the Republic of Peru, upon the most excellent Señores Don Manuel Lorenzo de Vidaurre, president of the supreme court of justice of the said Republic, and Don Manuel Perez de Tudela, attorney-general of the said court.

His excellency the President of the United Mexican States, upon the most excellent Señores Don José Mariano Michelena, brigadier-general and Don José Dominguez, chief justice of the supreme court of justice of the State of Guanajuato.

Who, after having duly exchanged their respective full powers, and found them to be in good and sufficient form, have agreed upon the articles following:

ARTICLE I. The Republics of Colombia, Central America, Peru, and the United Mexican States, do mutually ally and confederate themselves in peace and war, and contract to this end a perpetual compact of friendship, firm and inviolable, and a union intimate and binding with all and each of said parties.

ART. 2. The object of this perpetual compact will be to maintain in common, defensively and offensively, should occasion arise, the sovereignty and independence of all and each of the confederated powers of America against foreign subjection, and to secure to themselves from this time forward the enjoyment of unalterable peace, and to promote in this behalf better harmony and good understanding as well between the countries, citizens, and subjects, respectively, as with the other powers with which they should maintain or enter into friendly relations.

ART. 3. The contracting parties obligate and bind themselves to mutually defend themselves against every attack which shall endanger their political existence, and to employ against the enemies of the independence of all or any of them all their influence, resources, and naval and land forces, in the proportion which, according to the separate convention of equal date,¹ each is bound to contribute to the maintenance of the common cause.

ART. 4. The contingents of troops, with all their trains and transports, provisions, and the funds which some of the confederated powers are to contribute to the defense of another or others, shall freely pass and re-pass over the territory of any of them which may lie between the power threatened or invaded and that coming to its aid, but the Government to which the troops and assistance belong will give due notice thereof to the power through whose territory they have to pass, in order that the latter may designate the line of march to be followed,

of the members of that congress; a convention fixing the contingent of troops of each republic for a permanent army of 60,000 men, and their support; and an agreement additional to the convention on contingents, regarding the organization of the army, etc. The texts of these documents, not reproduced here, may be found *id.*, pp. 191-200.

The Congresses of Peru, Mexico, and Guatemala failed to ratify the treaty and agreements. Colombia approved of them partially. *Id.*, p. 201.

¹ See note, above, pp. xxiv-xxv.



which, however, must be by the shortest, most convenient, and populated route, and all the costs incurred for provisions, baggage, and forage shall be at the expense of the government to which the troops belong.

ART. 5. War-ships of all kinds and fleets of whatever number and grade of vessels belonging to one or more of the contracting parties shall have free ingress and egress to and from the ports of all and each of them, and they shall be properly protected against attacks of common enemies, remaining in said ports the time their commanders or captains believe necessary; and the said commanders or captains with their officers and crews shall be responsible to the Government of their dependence with their persons and property for any violation of the laws and regulations of the port they may be in, the local authorities being empowered to prevent their leaving their vessels, whenever any cause for complaint shall arise.

ART. 6. The contracting parties bind themselves moreover to give all the assistance in their power to their war and merchant vessels arriving at the ports of their possessions through stress of weather or any other unfortunate cause, and in consequence they may make repairs and take on provisions; and, in cases of common wars, arm themselves, increase their armament and crews until in condition to continue their voyages or cruises, all at the expense of the power or individuals to whom said vessels belong.

ART. 7. In order to prevent the depredations which privateers may commit on domestic or foreign commerce, it is agreed that in every case of common war the jurisdiction of the prize courts of all and each of the allied powers shall extend to privateers sailing under the colors of either of them, according to the laws and statutes of the nation to which the privateer or privateers belong, whenever there are strong indications of excesses having been committed against the commerce of friendly or neutral nations; it being well understood that this stipulation shall continue only until such time as the contracting parties decide by mutual agreement on the total abolition of the privateer.

ART. 8. In case of a sudden invasion of the territories of the contracting parties, any one of them may take up arms against the invaders, whenever circumstances do not permit coming to an arrangement with the sovereignty of said territories; but the party thus acting must cause the laws and statutes of the invaded power to be complied with, and its Government obeyed, so far as the circumstances of war shall permit.

ART. 9. It is hereby agreed that fugitives from one territory to another, and from a war or merchant vessel to the territory or vessel of another, if they be soldier or sailor deserters of whatever kind, shall be delivered over immediately and at all times by the courts or authorities within whose jurisdiction the deserter or deserters may be; but the delivery must be preceded by a demand by an officer in case of deserters from the army or navy, and that of the captain, master, supercargo, or person interested in the vessels in case of merchantmen, giving a description of the party or parties, the name, and that of the body or vessel from which he or they shall have deserted, and pending delivery they may be lodged in public prisons until the delivery in due form is verified.

ART. 10. The contracting parties, the better to identify their interests, here expressly agree that no one of them shall make peace with common enemies of their independence without including therein specifically all the other allies; in the intelligence that in no case, and under no pretext whatever, shall any of the contracting parties accede in the name of the others to any propositions not having for basis the full and absolute recognition of their independence, nor to demand for contributions, subsidies, or exactions of whatever kind, by way of indemnity or otherwise, each of said parties reserving the right to accept or reject proposals for peace with its customary formalities.

ART. 11. The contracting parties desiring more and more to strengthen and make closer their fraternal bonds and relations by means of frequent and friendly conferences, have agreed and do agree to meet every two years in time of peace, and every year during the present and future common wars, in a general assembly composed of two ministers plenipotentiary on

the part of each party, who shall be only authorized by the necessary full powers. The time and place of meeting, and the form and order of the sessions are expressed and arranged in a separate agreement of equal date.¹

ART. 12. The contracting parties specially obligate and bind themselves, in case the general assembly shall meet at any place within their territories, to extend to the plenipotentiaries composing it, all the assistance that hospitality and the sacred and inviolable character of their persons demand.

ART. 13. The principal objects of the general assembly of ministers plenipotentiary of the confederated powers are:

First. To negotiate and conclude between the powers it represents all such treaties, conventions, and arrangements, as may place their reciprocal relations on a mutually agreeable and satisfactory footing.

Second. To contribute to the maintenance of a friendly and unalterable peace between the confederated powers, serving them as a council in times of great conflicts, as a point of contact in common dangers, as a faithful interpreter of the public treaties and conventions concluded by them in the said assembly, when any doubt arises as to their construction, and as a conciliator in their controversies and differences.

Third. To endeavor to secure conciliation, or mediation, in all questions which may arise between the allied powers, or between any of them and one or more powers foreign to the confederation, whenever threatened of a rupture, or engaged in war because of grievances, serious injuries, or other complaints.

Fourth. To adjust and conclude during the common wars of the contracting parties with one or many powers foreign to the confederation all those treaties of alliance, concert, subsidies, and contributions that shall hasten its termination.

ART. 14. Neither of the contracting parties shall conclude treaties of alliance or league, perpetual or temporary, with any power foreign to this confederation without previously consulting the other allies composing it or that hereafter may compose it, and obtaining in this behalf their express assent or denial in the case mentioned in the following article.

ART. 15. Whenever any of the contracting parties shall deem it advisable to form alliances, perpetual or temporary, for special purposes and for special causes, the Republic having to make these alliances shall first endeavor to negotiate with her sisters and allies; but in case these for any cause refuse their assistance or can not provide the necessary aid, the former shall be at liberty to seek it wherever it can be obtained.

ART. 16. The contracting parties solemnly obligate and bind themselves to amicably compromise between themselves all differences now existing or which may arise in the future, and in case no settlement can be reached between the disagreeing powers the question shall be taken for settlement to the judgment of the assembly, whose decision shall not be obligatory, however, unless said powers shall have expressly agreed that it shall be.

ART. 17. Whatever complaints for injuries, serious damage, or other grounds there be that one of the contracting parties can bring against another or others, neither of them shall declare war, nor order acts of reprisal against the Republic believed to be the offender without first submitting its case, supported by the necessary documents and proofs, with a detailed relation of the acts complained of to the conciliatory decision of the general assembly.

ART. 18. In case any one of the confederated powers deem it advisable to declare war or commence hostilities against any power foreign to this confederation, it shall first solicit the good offices, interposition, and mediation of its allies, and these are bound to employ them in the most efficacious manner possible. If the interposition be unavailing the confederation shall declare whether or not it embraces the cause of the confederate; and even though it shall not embrace it, it shall not, under any pretext or reason ally itself with the enemy of the confederate.

¹ See note, ante, p. xxiv.



ART. 19. Whichever of the contracting parties that in violation of the stipulations of the three sections preceding shall commence hostilities against another, or that shall fail to comply with the decisions of the assembly, having previously submitted to them, shall be excluded from the confederation, and shall not again belong to the league except by the unanimous vote of the parties composing it favoring such re-instatement.

ART. 20. In case any of the contracting powers asks the assembly for its opinion or advice upon any question or serious matter, the assembly shall give it with all the frankness, interest, and good faith demanded by fraternity.

ART. 21. The contracting parties solemnly obligate and bind themselves to uphold and defend the integrity of their respective territories, earnestly opposing any attempt of colonial settlement in them without authority of and dependence upon the Governments under whose jurisdiction they are, and to employ to this end, in common, their forces and resources, if necessary.

ART. 22. The contracting parties mutually guaranty the integrity of their territories as soon as, by virtue of special conventions concluded between each other, their respective boundaries shall have been determined; and the preservation of these frontiers shall then be under the protection of the confederation.

ART. 23. The citizens of all of the contracting parties shall enjoy the rights and privileges of citizens of the Republic, whatever it is, in which they reside, if after having declared their desire to assume this character before the competent authorities according to the law of each of the allied powers, they shall make oath of allegiance to the constitution of the nation they adopt, and as such citizens they shall be entitled to all the employments and distinctions to which the other citizens are entitled, excepting always those which the constitution reserves to natural-born citizens, and subject in his choice of the rest to the time of residence and requisites demanded by the laws of each particular power.

ART. 24. Should a citizen or citizens of one allied Republic prefer to remain in the territory of another, retaining always his character of a citizen of the country of his birth or adoption, said citizen or citizens shall enjoy equally all the rights and privileges of natural-born citizens in any territory of the contracting parties in which he shall reside in so far as the administration of justice and the corresponding protection to his person and property is concerned; and, consequently, under no pretext whatever shall the practice of his profession or occupation be denied him, nor the disposition during life or by last will and testament of his real and personal property, as he sees fit, subject in all cases to the same charges and laws as natural-born citizens of the territory where he resides.

ART. 25. In order that the contracting parties shall receive all possible compensation for the services mutually rendered in this alliance, they have agreed that their commercial relations be regulated in the next assembly; in the meanwhile the relations at present existing between some of them by virtue of previous stipulations will continue.

ART. 26. The powers of America, whose plenipotentiaries shall not have been present at the negotiation and signing of the present treaty, may, notwithstanding the provisions of Article 14, become a party to the present confederation within one year from the ratification of this treaty and of the convention on contingents concluded on this date, without demanding modifications or changes of any character, and in case of desiring or proposing any alteration it shall be submitted to the vote and decision of the Assembly, which shall not consent to the change unless the amendments proposed do not alter the substance of the basis and object of this treaty.

ART. 27. The contracting parties obligate and bind themselves to co-operate for the complete abolition and extirpation of the African slave trade, maintaining their present prohibitions of such a trade in all their force and vigor; and to accomplish so salutary an undertaking they agree further to declare, as they declare among themselves, in the most solemn and positive manner, the slave traders sailing from the coasts of Africa under the flag of any of

the said contracting parties guilty of the crime of piracy, under the conditions which will be specified hereafter by special convention.

ART. 28. The Republics of Colombia, Central America, Peru, and the United Mexican States, upon so firmly and powerfully identifying their principles and interests in peace and war, formally declare that the present treaty of perpetual union, alliance, and co-operation does not in any wise interrupt nor shall it interrupt the exercise of the sovereignty of each of them as regards their foreign relations in so far as they do not conflict with the tenor and letter of said treaty.

ART. 29. In case any of the parties should substantially change its present form of government it shall, by that act, be excluded from the confederation and its Government shall not be recognized, nor shall it be reinstated in said confederation except by the unanimous vote of all the parties then constituting it.

ART. 30. The present treaty shall be binding in all its parts and effects as long as the allied powers are engaged in the present or any other common war, without any change whatever in any of its articles and clauses, except by resolution of all of said parties in the General Assembly, being subject to be bound by whatever measure the majority consider necessary for its enforcement; but peace once assured the allied powers may revise this treaty in the said Assembly, and make therein the changes and modifications the circumstances may demand and they deem necessary.

ART. 31. The present treaty of perpetual union, alliance, and confederation shall be ratified and the ratifications shall be exchanged in the town of Tacubaya, a league distant from the City of Mexico, within a period of eight months, reckoned from this date, or before, if possible.

In testimony whereof the Ministers Plenipotentiary of the Republics of Colombia, Central America, Peru, and the United Mexican States have signed and sealed these presents with their respective seals, in this city of Panama, on the 15th day of the month of July in the year of our Lord 1826.

[Here follow the names of the plenipotentiaries.]

ADDITIONAL ARTICLE. Whereas the contracting parties ardently desire to live at peace with all the nations of the universe, and avoid any cause for displeasure which might grow out of the exercise of their legitimate rights in peace and war, have further agreed, that as soon as the ratification of this treaty is obtained, they shall proceed to fix by common agreement all those points, rules, and principles that are to govern their conduct in both cases, to which end they shall again invite all friendly and neutral powers to take an active part in such negotiation, should they deem it advisable, and meet through their plenipotentiaries to adjust, conclude, and sign the treaty or treaties that may be made regarding so important an object.

The present additional article shall have the same force as though it had been inserted, word for word, in the treaty to-day signed. It shall be ratified and the ratifications shall be exchanged within the same period.

In testimony whereof the respective Ministers Plenipotentiary have signed it and affixed their respective seals, in this city of Panama, on the 15th day of the month of July in the year of our Lord 1826.

[Here follow the names of the plenipotentiaries.]