

TREATY SERIES No. **16**
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INTER-AMERICAN PEACE TREATIES AND CONVENTIONS



**GENERAL SECRETARIAT
ORGANIZATION OF AMERICAN STATES
WASHINGTON, D.C.**

The Governments of Venezuela, Chile, Bolivia, Uruguay, Costa Rica, Peru, Honduras, Guatemala, Haiti, Ecuador, Colombia, Brazil, Panama, 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, by the Sixth International Conference of American States held in the City of Habana;

Desiring to demonstrate that the condemnation of war as an instrument of national policy in their mutual relations, set forth in the above-mentioned resolution, constitutes one of the fundamental bases of inter-American relations;

Animated by the purpose of promoting, in every possible way, the development of international methods for the pacific settlement of differences between the States;

Being convinced that the "Treaty to Avoid or Prevent Conflicts between the American States," signed at Santiago de Chile, May 3, 1923, constitutes a notable achievement in inter-American relations, which it is necessary to maintain by giving additional prestige and strength to the action of the commissions established by Articles 3 and 4 of the aforementioned treaty;

Acknowledging the need of giving conventional form to these purposes have agreed to enter into the present Convention, for which purpose they have appointed Plenipotentiaries as follows:

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, Víctor 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.

Panama: Ricardo J. Alfaro, Carlos L. López.

Paraguay: Eligio Ayala.

Nicaragua: Máximo H. Zepeda, Adrián Recinos, J. Lisandro Medina.

Mexico: Fernando González Roa, Benito Flores.

El Salvador: Cayetano Ochoa, David Rosales h.

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, which were found to be in good and due form by the Conference, have agreed as follows:

ARTICLE 1. The High Contracting Parties agree to submit to the procedure of conciliation established by this convention all controversies of any kind which have arisen or may arise between them for any reason and which it may not have been possible to settle through diplomatic channels.

ARTICLE 2. The Commission of Inquiry

to be established pursuant to the provisions of Article 4 of the Treaty signed in Santiago de Chile on May 3, 1923, shall likewise have the character of Commission of Conciliation.

ARTICLE 3. The Permanent Commissions which have been established by virtue of Article 3 of the Treaty of Santiago de Chile of May 3, 1923, shall be bound to exercise conciliatory functions, either on their own motion when it appears that there is a prospect of disturbance of peaceful relations, or at the request of a Party to the dispute, until the Commission referred to in the preceding article is organized.

ARTICLE 4. The conciliatory functions of the Commission described in Article 2 shall be exercised on the occasions hereinafter set forth:

(1) The Commission shall be at liberty to begin its work with an effort to conciliate the differences submitted to its examination with a view to arriving at a settlement between the Parties.

(2) Likewise the same Commission shall be at liberty to endeavor to conciliate the Parties at any time which in the opinion of the Commission may be considered to be favorable in the course of the investigation and within the period of time fixed therefor in Article 5 of the Treaty of Santiago de Chile of May 3, 1923.

(3) Finally, the Commission shall be bound to carry out its conciliatory function within the period of six months which is referred to in Article 7 of the Treaty of Santiago de Chile of May 3, 1923.

The Parties to the controversy may, however, extend this time, if they so agree and notify the Commission in due time.

ARTICLE 5. The present convention does not preclude the High Contracting Parties, or one or more of them, from

tendering their good offices or their mediation, jointly or severally, on their own motion or at the request of one or more of the Parties to the controversy; but the High Contracting Parties agree not to make use of those means of pacific settlement from the moment that the Commission described in Article 2 is organized until the final act referred to in Article 11 of this convention is signed.

ARTICLE 6. The function of the Commission, as an organ of conciliation, in all cases specified in Article 2 of this convention, is to procure the conciliation of the differences subject to its examination by endeavoring to effect a settlement between the Parties.

When the Commission finds itself to be within the case foreseen in paragraph 3 of Article 4 of this convention, it shall undertake a conscientious and impartial examination of the questions which are the subject of the controversy, shall set forth in a report the results of its proceedings, and shall propose to the Parties the bases of a settlement for the equitable solution of the controversy.

ARTICLE 7. Except when the Parties agree otherwise, the decisions and recommendations of any Commission of Conciliation shall be made by a majority vote.

ARTICLE 8. The Commission described in Article 2 of this convention shall establish its rules of procedure. In the absence of agreement to the contrary, the procedure indicated in Article 4 of the Treaty of Santiago de Chile of May 3, 1923, shall be followed.

Each party shall bear its own expenses and a proportionate share of the general expenses of the Commission.

ARTICLE 9. The report and the recommendations of the Commission, insofar as it may be acting as an organ of conciliation, shall not have the character of a decision nor an arbitral award, and shall not be binding on the Parties either as re-

garde the exposition or interpretation of the facts or as regards questions of law.

ARTICLE 10. As soon as possible after the termination of its labors the Commission shall transmit to the Parties a certified copy of the report and of the bases of settlement which it may propose.

The Commission in transmitting the report and the recommendations to the Parties shall fix a period of time, which shall not exceed six months, within which the Parties shall pass upon the bases of settlement above referred to.

ARTICLE 11. Once the period of time fixed by the Commission for the Parties to make their decisions has expired, the Commission shall set forth in a final act the decision of the Parties, and if the conciliation has been effected, the terms of the settlement.

ARTICLE 12. The obligations set forth in the second sentence of the first paragraph of Article 1 of the Treaty of Santiago de Chile of May 3, 1923, shall extend to the time when the final act referred to in the preceding article is signed.

ARTICLE 13. Once the procedure of conciliation is under way it shall be interrupted only by a direct settlement between the Parties or by their agreement to accept absolutely the decision *ex aequo et bono* of an American Chief of State or to submit the controversy to arbitration or to an international court.

ARTICLE 14. Whenever for any reason the Treaty of Santiago de Chile of May 3, 1923, does not apply, the Commission referred to in Article 2 of this convention shall be organized to the end that it may exercise the conciliatory functions stipulated in this convention; the Commission shall be organized in the same manner as that prescribed in Article 4 of said treaty.

In such cases, the Commission thus organized shall be governed in its operation by the provisions relative to conciliation, of this convention.

ARTICLE 15. The provisions of the preceding article shall also apply with regard to the Permanent Commissions constituted by the aforementioned Treaty of Santiago de Chile, to the end that said Commissions may exercise the conciliatory functions prescribed in Article 3 of this convention.

ARTICLE 16. The present convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures, provided that they have previously ratified the Treaty of Santiago, Chile, of May 3, 1923.

The original convention and the instruments of ratification shall be deposited in the Ministry for Foreign Affairs of the Republic of Chile which shall give notice of the ratifications through diplomatic channels to the other signatory Governments and the convention shall enter into effect for the High Contracting Parties in the order that they deposit their ratifications.

This convention shall remain in force indefinitely, but it may be denounced by means of notice given one year in advance 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 Ministry for Foreign Affairs of the Republic of Chile which will transmit it for appropriate action to the other signatory Governments.

Any American State not a signatory of this convention may adhere to the same by transmitting the official instrument setting forth such adherence, to the Ministry for Foreign Affairs of the Republic of Chile which will notify the other High Contracting Parties thereof in the manner heretofore mentioned.

IN WITNESS WHEREOF the above-mentioned Plenipotentiaries have signed this convention in English, Spanish, Portu-

guese and French and hereunto affix their respective seals.

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

Venezuela: CARLOS F. GRISANTI, FR. ARROYO PAREJO.

Chile: A. PLANET, MANUEL FOSTER. Chile makes exception in this convention of questions which may arise from situations or acts prior thereto.¹

Bolivia: E. DIEZ DE MEDINA.

Uruguay: JOSÉ PEDRO VARELA.

Costa Rica: MANUEL CASTRO QUESADA, JOSÉ TIBLE-MACHADO.

Peru: HERNÁN VELARDE, VÍCTOR M. MAÚRTUA.

Honduras: RÓMULO DURÓN, MARCOS LÓPEZ PONCE.

¹ The Government of Chile ratified the convention without reservations.

Guatemala: ADRIÁN RECINOS, JOSÉ FALLA.

Haiti: A. BONAMY, RAOUL LIZAIRE.

Ecuador: GONZALO ZALDUMBIDE.

Colombia: ENRIQUE OLAYA HERRERA, C. ESCALLÓN.

Brazil: S. GURGEL DO AMARAL, A. ARAUJO-JORGE.

Panama: R. J. ALFARO, CARLOS L. LÓPEZ.

Paraguay: ELIGIO AYALA.

Nicaragua: MÁXIMO H. ZEPEDA, ADRIÁN RECINOS, J. LISANDRO MEDINA.

Mexico: FERNANDO GONZÁLEZ ROA, BENITO FLORES.

El Salvador: CAYETANO OCHOA, DAVID ROSALES HIJO.

Dominican Republic: A. MORALES, G. A. DÍAZ.

Cuba: ORESTES FERRARA, GUSTAVO GUTTIÉRREZ.

United States of America: FRANK B. KELLOGG, CHARLES EVANS HUGHES.

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

SIGNATORY COUNTRIES	DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION
Bolivia	
Brazil	January 26, 1932
Chile	December 28, 1929
Colombia	June 21, 1938
Costa Rica	
Cuba	August 7, 1930
Dominican Republic	December 9, 1932
Ecuador	February 22, 1933
El Salvador	December 28, 1929
Guatemala	November 15, 1929
Haiti	April 18, 1933
Honduras	January 21, 1937
Mexico	January 9, 1930
Nicaragua	January 11, 1933
Panama	February 20, 1933
Paraguay	January 10, 1939
Peru	May 11, 1934
United States	March 27, 1929
Uruguay	October 15, 1934
Venezuela	November 16, 1936

1. With reservation.

The original instrument is deposited with the Ministry of Foreign Affairs of Chile, which is also the depository of the instruments of ratification. The Convention entered into force on November 15, 1929 when the second ratification was deposited by Guatemala. Article 16 of the Convention requires the prior ratification of the Treaty to Avoid or Prevent Conflicts between the American States, signed at Santiago, Chile in 1923.

This Treaty has been superseded by the American Treaty on Pacific Settlement (Pact of Bogotá), 1948. It continues in effect, however, among the States that have not ratified the Pact of Bogotá.