



FINAL ACT
OF THE
SECOND MEETING OF THE MINISTERS OF FOREIGN AFFAIRS
OF THE AMERICAN REPUBLICS
SIGNED IN THE CITY OF LA HABANA
THE THIRTIETH DAY OF JULY, ONE THOUSAND NINE HUNDRED AND FORTY



FINAL ACT OF THE SECOND MEETING OF MINISTERS OF
FOREIGN AFFAIRS OF THE AMERICAN REPUBLICS, SIGN-
ED IN THE CITY OF LA HABANA, THE THIRTIETH DAY
OF JULY, ONE THOUSAND NINE HUNDRED AND FORTY.

The Governments of the American Republics, in order that their Ministers of Foreign Affairs or their Personal Representatives might meet for purposes of consultation in accordance with agreements approved at prior Inter-American Conferences, duly accredited the Delegates hereinbelow expressed (following the order of precedence determined by lot) who met in the City of La Habana during the period comprised between the twenty-first and the thirtieth of July, one thousand nine hundred and forty, in answer to the invitation of the Government of the Republic of Cuba:

H O N D U R A S

H.E. Silverio Lainez, Personal Representative of
H.E. The Minister of Foreign Affairs.

H A I T I

H.E. León Lalau, Secretary of State for Foreign
Affairs.

C O S T A R I C A

H.E. Luis Anderson Morúa, Personal Representative of
H.E. The Secretary of Foreign Affairs.

M E X I C O

H.E. Eduardo Suárez, Personal Representative of
H.E. The Secretary of Foreign Affairs.

A R G E N T I N A

H.E. Leopoldo Melo, Personal Representative of
H.E. The Minister of Foreign Affairs.

U R U G U A Y

H.E. Pedro Manini Ríos, Personal Representative of
H.E. The Minister of Foreign Affairs.

ECUADOR

H.E. Julio Tobar Donoso, Minister of Foreign Affairs.

BOLIVIA

H.E. Enrique Finot, Personal Representative of
H.E. The Minister of Foreign Affairs.

CHILE

H.E. Oscar Schnake, Personal Representative of
H.E. The Minister of Foreign Affairs.

BRAZIL

H.E. Mauricio Nabuco, Personal Representative of
H.E. The Minister of Foreign Affairs.

CUBA

H.E. Miguel Angel Campa, Secretary of State.

PARAGUAY

H.E. Tomás A. Salomoni, Minister of Foreign Affairs.

PANAMA

H.E. Narciso Garay, Secretary of Foreign Relations
and Communications.

COLOMBIA

H.E. Luis López de Mesa, Minister of Foreign Affairs.

VENEZUELA

H.E. Diógenes Escalante, Personal Representative of
H.E. The Minister of Foreign Affairs.

EL SALVADOR

H.E. Héctor Escobar Serrano, Personal Representative of
H.E. The Minister of Foreign Affairs.

DOMINICAN REPUBLIC

H.E. Arturo Despradel, Secretary of State for Foreign
Affairs.

PERU

H.E. Lino Connejo, Personal Representative of
H.E. The Minister of Foreign Affairs.

NICARAGUA

H.E. Mariano Argüello., Minister of Foreign Affairs.



At the same Preliminary Session at which the Regulations were ratified, the members of the above mentioned five Committees were appointed, as follows:

COMMITTEE ON CREDENTIALS:

Their Excellencies:

Marciso Garay, (Panama)
Tomás A. Salomoni, (Paraguay)
Carlos Salazar, (Guatemala)
Héctor Escobar, (El Salvador)
Silverio Laínez, (Honduras)

COMMITTEE ON COORDINATION:

Their Excellencies:

Leopoldo Melo, (Argentina)
Mauricio Nabuco, (Brazil)
Cordell Hull, (United States of America)
León Laleau, (Haiti)

COMMITTEE ON NEUTRALITY:

Their Excellencies:

Leopoldo Melo, (Argentina)
Luis Anderson, (Costa Rica)
Oscar Schnake, (Chile)
Pedro Manini Ríos, (Uruguay)
Enrique Finot, (Bolivia)
Carlos Salazar, (Guatemala)
Silverio Laínez, (Honduras)

COMMITTEE ON PRESERVATION
OF PEACE IN THE WESTERN HEMISPHERE

Their Excellencies:

Cordell Hull, (United States of America)
Diógenes Escalante, (Venezuela)
Mauricio Nabuco, (Brazil)
Julio Tobar Donoso (Ecuador)
Arturo Despradel, (Dominican Republic)
Tomás A. Salomoni, (Paraguay)
Marciso Garay, (Panama)

COMMITTEE ON ECONOMIC COOPERATION

Their Excellencies:

Eduardo Suárez, (Mexico)
Luis López de Mesa, (Colombia)
Lino Cornejo, (Perú)
Mariano Argüello (Nicaragua)
León Laleau, (Haiti)
Héctor Escobar Serrano, (El Salvador)
Miguel Angel Campa, (Cuba)



GUATEMALA

H.E. Carlos Salazar, Secretary of Foreign Affairs.

UNITED STATES OF AMERICA

H.E. Cordell Hull, Secretary of State.

The Meeting held its inaugural session on the twenty-first day of July, One thousand nine hundred and forty, at four o'clock in the afternoon, in the Hall of Sessions of the House of Representatives, in the National Capitol, in the presence of H.E. Dr. Federico Laredo Brú, President of the Republic of Cuba, under the provisional presidency of H.E. Dr. Miguel Angel Campa, Secretary of State, with Dr. César Salaya y de la Fuente, acting as Secretary General.

The Regulations for the Meeting were approved by the Governing Board of the Pan American Union at a session held the twenty-ninth day of June, One thousand nine hundred and forty, and the Agenda at a session held by the same body on the fifth day of the current month.

The aforesaid Regulations and Agenda were ratified by the Meeting in the preliminary session held the twenty-second of July, One thousand nine hundred and forty, at ten o'clock in the morning.

At the Plenary Session held the same day at four o'clock in the afternoon, Dr. Miguel Angel Campa, Secretary of State of the Republic of Cuba, was elected Permanent President of the Meeting.

In compliance with the provisions of Articles VII and VIII of the Regulations, the following Committees were created: Credentials, Coordination, Neutrality, Preservation of Peace in the Western Hemisphere and Economic Cooperation. For the constitution of the latter three Committees the division in three parts or chapters of the Agenda of the Meeting was taken into consideration.



At the same Preliminary Session already mentioned, it was unanimously resolved that the Committee referred to in Article VI was to be made up by the Ministers of Foreign Affairs of the American Republics or their Personal Representatives.

It was likewise resolved that the Delegations that presented projects corresponding to matters pertaining to any of the three last mentioned Committees, had the right to belong to the corresponding Committee, as ex-officio members.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics approved the following Votes, Motions, Declarations, Recommendations and Resolutions:

I.

INTER-AMERICAN NEUTRALITY COMMITTEE

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

RESOLVES:

One. To urge the Inter-American Neutrality Committee to draft a preliminary project of Convention dealing with the juridical effects of the Security Zone and the measures of international cooperation which the American States are ready to adopt to obtain respect for the said Zone.

Two. To entrust the Inter-American Neutrality Committee, which functions at Rio de Janeiro, with the drafting of a Project of Inter-American Convention which will cover completely all the principles and rules generally recognized in International Law in matters of neutrality, and especially those contained in the Resolutions of Panamá, in the individual legislation of the different American States, and in the recommendations already presented by the same Committee.



Three. When the aforementioned Project has been drafted, it shall be deposited in the Pan American Union, in order to be submitted for the signature, adhesion and ratification of the respective Governments of the American Republics.

Four. Pending the drafting, acceptance and ratification of the Project, it is recommended that the American States adopt in their respective legislation concerning neutrality the principles and rules contained in the Declarations of Panamá and in the Recommendations already drafted, or which may hereafter be drafted by the Inter-American Neutrality Committee, it being suggested that the incorporation of the said Resolutions and Recommendations in the respective legislations be made, in so far as practicable, in a codified and joint form.

Five. To direct that the aforementioned Inter-American Neutrality Committee submit, whenever it may deem advisable, its Recommendations direct to the Governments of the American Republics, provided, however, that it shall report also concerning them to the Pan American Union.

Six. . To recommend that the Pan American Union circulate, among the Governments of the American States, the minutes of the Inter-American Neutrality Committee of Rio de Janeiro, and that the minutes be published by the Pan American Union, when the said Committee deems it opportune.

Seven . . That the Inter-American Neutrality Committee may function with the attendance of a minimum of five members, and that, whatever be the number of members present at the meetings, resolutions shall be adopted with the favorable vote of at least four members.

Eight. That even though the Committee is permanent in nature, it is authorized to hold periodical meetings and to adjourn for a specified time, without prejudice to the calling of extraordinary sessions by the President, when some urgent and important question



is to be considered.

Nine . To extend a vote of applause and congratulation, for its meritorious work, to the Inter-American Neutrality Committee of Rio de Janeiro, and to its members, Their Excellencies Afranio de Mello Franco, L. A. Podestá Costa, Mariano Fontecilla, A. Aguilar Machado, Charles G. Fenwick, Roberto Córdoba, Gustavo Herrera, Manuel Francisco Jiménez and S. Martínez Mercado.

II.

NORMS CONCERNING DIPLOMATIC AND CONSULAR FUNCTIONS

WHEREAS:

1. One of the bases of the spiritual unity of the Americas has its roots in the firm adherence by the peoples of the Continent to the principles of international law.
2. The American republics on February 20th. 1928 signed, at Havana, a Convention on diplomatic officers which contains the principles generally accepted by all nations.
3. The said Convention establishes, among others, the following principles:
 - a) Foreign diplomatic officers shall not participate in the domestic or foreign politics of the state in which they exercise their functions.
 - b) They must exercise their functions without coming into conflict with the laws of the country to which they are accredited.
 - c) They should not claim immunities which are not essential to the fulfillment of their official duties.
 - d) No state shall accredit its diplomatic officers to other states without previous agreement with the latter.
 - e) States may decline to receive a diplomatic officer from another, or, having already accepted him, may



request his recall without being obliged to state the reasons for such a decision.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics.

R E S O L V E S:

To urge the Governments of the American Republics to prevent, within the provisions of international law, political activities of foreign diplomatic or consular agents, within the territory to which they are accredited, which may endanger the peace and the democratic tradition of America

III.

COORDINATION OF POLICE AND JUDICIAL
MEASURES FOR THE DEFENCE OF SOCIETY
AND INSTITUTIONS OF EACH AMERICAN
STATE

WHEREAS:

1. The First Meeting of Foreign Ministers of the American Republics held at Panama, approved on October 3, 1939 a recommendation on the coordination of police and judicial measures for the maintenance of neutrality, article 1 of which states as follows:

" 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. Experience has shown that it is not only desirable to formulate such rules and procedure with reference to neutrality, but it has also demonstrated the need to organize in the most effective manner possible the defence of society and of the institutions of each State not only against common crimes, but likewise with respect to certain unlawful activities which may affect them;

3. Such defence must be undertaken by the authorities of each State, but its efficacy depends to a large extent upon a common orientation, as uniform as possible, as well as upon an adequate and constant cooperation between such authorities;

The Second Meeting of the Ministers of Foreign Affairs of the American Republics,

R E S O L V E S:

One. The Governing Board of the Pan American Union shall convoke the States which are Members of the Union to an international conference at such place and date as it may determine to draft the international conventions and recommendations which it deems necessary to assure through the action of the proper authorities in each State, and through the coordination of such action with that of other States in the Continent, the most complete and effective defence against acts of an unlawful character, as well as against any other unlawful activities which may affect the institutions of American States.

Two. In the said conference, each State shall be represented by a jurist with plenipotentiary powers accompanied, if deemed advisable, by experts on matters pertaining to the police authorities.

Three. Before the conference is convoked, the Pan American Union shall undertake the preparatory work by means of an inquiry among



the Governments of the Continent with regard to the existing legislative or administrative provisions, as well as with respect to their opinions on the various topics which it is deemed advisable to consider.

IV.

INTER-AMERICAN LEAGUE OF NATIONAL RED CROSS
SOCIETIES

WHEREAS:

It is America's unavoidable duty, for reasons of human solidarity, to contribute to the alleviation of the suffering and misery of victims of war.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

RECOMMENDS:

That the Fourth Pan American Red Cross Conference, which will meet at Santiago de Chile next December, consider the desirability of organizing, along the general lines of the League of National Red Cross Societies, an Inter-American League of National Red Cross Societies, which shall coordinate the action of the said Red Cross Societies of the American countries and the cooperation of the Inter-American League and its Executive Committee with the League and the International Committee of the Red Cross.

V.

PRECAUTIONARY MEASURES WITH REFERENCE TO THE ISSUANCE OF
PASSPORTS

WHEREAS:

1. A passport is essentially an identification document which



accredits in foreign countries the holder thereof as a national of the country which issues it;

2. Such document has an eminently international character, inasmuch as its possessor uses it solely as a document of identification outside the territory of his country of origin or of adoption;

3. The States of the American Continent must exercise the utmost care in issuing passports for the use of their respective nationals, in order that they may find greater facilities in traveling through the countries of America;

4. It is their duty to prevent the use of counterfeit passports,

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

R E S O L V E S:

One. To recommend to the Governments of the American Republics the adoption of the precautionary measures in the issuance of passports which each deems appropriate.

Two. To recommend to the countries of America the adoption of uniform punitive measures against the use of counterfeit or altered passports or passports of more than one country.

VI.

ACTIVITIES DIRECTED FROM ABROAD AGAINST

DOMESTIC INSTITUTIONS

^{second}
The Meeting of Foreign Ministers of the American Republics.

R E S O L V E S:

One. That having in mind the equal concern and equal responsibility of the American Republics for the preservation of the peace and security of the hemisphere, each one of the Governments of the American Republics shall adopt within its territory all



necessary measures in accordance with its constitutional powers to prevent and suppress any activities directed, assisted or abetted by foreign governments, or foreign groups or individuals, which tend to subvert the domestic institutions, or to foment disorder in their internal political life, or to modify by pressure, propaganda, threats, or in any other manner, the free and sovereign right of their peoples to be governed by their existing democratic systems.

In the event that the peace of any of the American Republics is menaced by such activities, the respective Governments agree that they will immediately consult together, if the State directly interested wishes to request it, taking into account the provisions of this resolution and the special circumstances which may affect the peace or the tranquility of the American Republics.

The American Republics being juridically equal as sovereign and independent states, each shall act in its individual capacity in any steps undertaken in this connection.

Two. In order to make such consultation more efficacious, the governments of the American Republics further declare that the fullest interchange of information between them is essential with regard to the aforementioned activities within their respective jurisdictions.

Three. The governments of the American Republics agree that any government which obtains information purporting to show that activities of the aforementioned character are taking place, or are threatening to take place, within the territory of one or more of the American Republics, shall at once communicate in the strictest confidence to the Foreign Minister of such nation or nations the information so obtained.



Four. The governments of the American Republics declare that, under existing world conditions, the fullest interchange between them of all information of the character described, is in the common interest of them all, and will assist in the preservation of the peace and integrity of the Americas.

VII.

DIFFUSION OF DOCTRINES TENDING TO PLACE IN JEOPARDY THE
COMMON INTER-AMERICAN DEMOCRATIC IDEAL OR TO THREATEN
THE SECURITY AND NEUTRALITY OF THE AMERICAN REPUBLICS.

WHEREAS:

1. At the first Meeting of Foreign Ministers held at Panama the American Republics once more affirmed their adherence to the democratic ideal that prevails in this Continent, considering that this ideal might find itself endangered by virtue of the action of foreign ideologies inspired by diametrically opposed principles;
2. That the "General Declaration of Neutrality of the American Republics", signed at Panama on October 3, 1939, recognized as one of the principles of neutrality, admitted by the American States, that they "shall prevent in accordance with their internal legislation, the inhabitants of their territories from engaging in activities capable of affecting the neutral status of the American Republics";
3. The Convention on the rights and duties of states in the event of civil strife was signed at the Sixth International Conference of American States at Habana in 1928, which has been ratified by the majority of the American States;
4. The exclusion of foreigners from the enjoyment and exercise of strictly political rights is a general rule of internal



public law incorporated in the constitutions and laws of states;

5. The Sanchez de Bustamante Code of Private International Law, accepted and put into force through the Convention concluded and signed at the Sixth Inter-American Conference on February 20, 1928, establishes an identical rule excepting, of course, special provisions contained in the internal legislation of the American States;

6. The aforesaid exclusion from the enjoyment of political rights implies the tacit prohibition for foreigners to engage in political activities within the territory of the state in which they reside;

7. The present European conflict has revealed the existence of foreign political organizations in certain neutral states with the deliberate purpose of making attempts against public order, the system of government and the very personality of such states;

8. Such foreign political organizations would constitute in the American States a denial of the latter's democratic institutions, a menace to their right of self-preservation and a threat of violation of their regime of neutrality, and

9. In order to protect the security and neutrality of the American Republics insofar as they might be affected by illicit activities on the part of individuals or associations, either national or foreign, tending to foment civil strife or internal disturbances and to propagate subversive ideologies, it is advisable to coordinate the measures which may be adopted either in common or individually to combat these dangers.

The Second Meeting of Ministers of Foreign Affairs of the American Republics

R E S O L V E S:

One. To reiterate the recommendation made at the First Consultative Meeting held at Panama to the effect that the Govern-



ments of the American Republics "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", and also that they take the measures which may be advisable to prevent any activities susceptible of jeopardizing American neutrality.

Tw6. To recommend to the Governments of the American Republics the following rules with respect to civil strife, internal disturbances, or the spread of subversive ideologies:

- a. To use the necessary means to prevent the inhabitants of their territory, nationals or aliens, from participating in, collecting supplies, crossing the boundary or sailing from their territory for the purpose of starting or promoting civil strife, internal disturbances, or spreading subversive ideologies in another American country;
- b. To disarm and intern every rebel force crossing their boundaries. There shall be observed, in so far as they are applicable, the rules of internment drafted by the Inter-American Neutrality Committee at Rio de Janeiro;
- c. To forbid the traffic in arms and war materiel, except when intended for the government, unless the belligerency of the rebels has been recognized, in which latter case the rules of neutrality shall be applied, and
- d. To prevent that within their jurisdiction there be equipped, armed or adapted for warlike purposes any vessel intended to operate in favor of the rebellion.



Three. To reiterate the recommendation of the First Consultative Meeting, held at Panama, to the effect that action be taken, as soon as possible for the adoption of the rules and procedure that may be judged useful to facilitate the action of the police and judicial authorities of the respective countries in repressing unlawful activities that individuals, either nationals or foreigners, may attempt at any time in favor of a foreign state.

Four. To recommend to the Governments of the American States that they adopt the following legislative or administrative norms, without prejudice to the respect due to their individual and sovereign right to regulate the juridical status of foreigners:

- a. Effective prohibition of every political activity by foreign individuals, associations, groups or political parties, no matter what form they use to disguise or cloak such activity;
- b. Rigorous supervision of the entry of foreigners into the national territory, particularly in the case of nationals of non-American States;
- c. Effective police supervision of the activities of foreign non-American groups established in the American States;
- d. Creation of an emergency penal system for the offenses set forth in this article.

Five. To encourage the reciprocal communication, directly or through the Pan American Union, of information and data concerning the entry, rejection and expulsion of foreigners and the adoption of the preventive and repressive measures provided for in the previous article;

Sixth. Any of the American Republics directly affected by the activities referred to in this Resolution may initiate the procedure



of consultation.

VIII

PROJECT ON EXTENSION OF
TERRITORIAL
WATERS

The Second Meeting of the Ministers of Foreign Affairs of the
American Republics

R E S O L V E S :

That the project presented by the Delegation of Uruguay, concerning the extension of territorial waters, together with the modifications introduced by the present Consultative Meeting be transmitted for study to the Committee of Experts for the Codification of International Law; and that there also be requested the opinion of the Inter-American Neutrality Committee at Rio de Janeiro regarding the same project.

IX

PROJECT ON REFUGEES

The Second Meeting of the Ministers of Foreign Affairs of the
American Republics

R E S O L V E S

That the projects presented to the Meeting by the Delegations of Argentina, Uruguay and Mexico (projects Nos. 35, 36 and 42) concerning refugees and assistance to minors proceeding from evacuated areas be referred for consideration to the Pan-American Union.

X

TRANSOCEANIC RAILWAY BETWEEN
ARICA AND SANTOS BY WAY OF BOLIVIA

The Second Meeting of Foreign Ministers of the American Republics

R E S O L V E S :

To recognize the importance and usefulness for continental



defense of the Arica (Chile)-Santos (Brazil) transoceanic railway, through Bolivia, and to recommend to the American nations, especially to those directly interested in the project, the advisability of proceeding as soon as possible with the financing of the section still to be constructed.

XI

CODIFICATION OF INTERNATIONAL LAW

W H E R E A S :

- 1.-The Eighth International Conference of American States approved several resolutions with the purpose of coordinating, intensifying and accelerating the work of codification of international law in America;
 - 2.-The said Conference also adopted other resolutions on the coordination and improvement of the inter-American peace instruments;
 - 3.-According to historical tradition and the most profound convictions of the American peoples it is urgent at this time, when the bases of law and of pacific relations among peoples are the object of serious attacks, that the nations of America once again reaffirm their effective support of the principles of international law and of the pacific settlement of international controversies and prove their firm intention to work for the maintenance and preservation of those principles,
- The Second Meeting of the Ministers of Foreign Affairs of the American Republics

R E S O L V E S :

- ONE.-To recommend to the Governments of the American Republics that they adopt the necessary measures to carry out the resolutions approved by the Eighth International Conference of American States relative to the codification of international law and the improvement and coordination of the inter-American peace instruments.



TWO.-To urge the various organizations in charge of the study of matters to which the above mentioned resolutions refer, to submit, as soon as possible, their recommendations and observations so that the Governing Board of the Pan-American Union may convoke the meeting of the International Conference of American Jurists within the next two years.

THREE.-To request the Pan-American Union to communicate the present resolution to all Governments members of the Union, together with a report on the present status of the work provided for in the above mentioned resolutions of the Eighth Conference.

XII

PROMOTION OF CONTINENTAL SOLIDARITY

W H E R E A S :

The sentiment of solidarity between the American Republics constitutes a genuine force for continental defense, to which all of them should lend unreservedly their maximum cooperation, removing any obstacle that might jeopardize this principle of American public law, in order that no State of this Continent may find itself deterred from offering its fullest and most decided cooperation, both in the political and economic fields, to the fulfillment of that ideal;

The Second Meeting of the Ministers of Foreign Affairs of the American Republics,

R E S O L V E S :

To recommend to the American States that in any case in which internal legislation or contractual acts in force constitute a hindrance to the fullest cooperation which a State should lend to the principle of continental solidarity, it initiate, through legal means, the revision of such acts, insofar as this may be possible.



XIII

HOSTILE ACTS IN TERRITORIAL WATERS AND IN THE SECURITY ZONE

W H E R E A S :

1.-At the First Meeting of Foreign Ministers held at Panama for the purpose of preserving peace, the neutrality of the American Republics was established, during the war begun in Europe; the irrevocable purpose was asserted of complying strictly with those duties within the principles of International Law and the clauses of the Conventions codifying them, and due respect was demanded for the situation created by those norms;

2.-Within this purpose of maintaining security on this Continent, a maritime zone, adjacent to the territorial area of each nation was established, excluding such zone from hostile acts from the land, sea, or air;

3.-In the hostilities, belligerency has transgressed the principles of International Law, has disregarded the duties imposed by neutrality, and has also brought about hostile acts, not only in the zone excluded by the XV Resolution of Panama, but also contrary to sovereignty in the maritime zone of some of the Republics;

4.-Without prejudice to the juridical procedure and settlement which should be given in each case to the claims raised because of these transgressions, it is necessary and opportune that the voice of the Republics of America condemn them and state the irrevocable purpose of practicing and demanding respect to the fullest extent for the norms regulating the existence of the international community;



THE SECOND MEETING OF FOREIGN MINISTERS OF THE
AMERICAN REPUBLICS

D E C L A R E S :

ONE.-That it condemns hostilities within territorial waters, as contrary to the rights of sovereignty of the nation having jurisdiction over them and to the tenets of International Law.

TWO.-That it considers such hostilities within the Security Zone to be prejudicial to the votes and joint resolutions of the Republics of America for the preservation of peace on this Continent.

XIV

THE PEACEFUL SOLUTION OF CONFLICTS

WHEREAS:

In behalf of the closest possible unity of the Continent, it is imperative that differences existing between some of the American nations be settled,

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

R E S O L V E S :

To recommend to the Governing Board of the Pan-American Union that it organize, in the American capital deemed most suitable for the purpose, a committee composed of representatives of five countries, which shall have the duty of keeping constant vigilance to insure that States between which any dispute exists or may arise, of any nature whatsoever, may solve it as quickly as possible, and of suggesting, without detriment to the methods adopted by the parties or to the procedures which they may agree upon, the measures and steps which may be conducive to a settlement.



The Committee shall submit a report to each Meeting of the Ministers of Foreign Affairs and to each International Conference of American States regarding the status of such conflicts and the steps which may have been taken to bring about a solution.

XV

RECIPROCAL ASSISTANCE AND COOPERATION FOR THE DEFENSE
OF THE NATIONS OF THE AMERICAS

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

D E C L A R E S :

That any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against the States which sign this declaration.

In case acts of aggression are committed or should there be reason to believe that an act of aggression is being prepared by a non-American nation against the integrity or inviolability of the territory, the sovereignty or the political independence of an American nation, the nations signatory to the present declaration will consult among themselves in order to agree upon the measures it may be advisable to take.

All the signatory nations, or two or more of them, according to circumstances, shall proceed to negotiate the necessary complementary agreements so as to organize cooperation for defense and the assistance that they shall lend each other in the event of aggressions such as those referred to in this declaration.



XVI

MAINTENANCE OF PEACE AND UNION AMONG THE
AMERICAN REPUBLICS

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

D E C L A R E S:

One. That the Governments of the American Republics are irrevocably determined to maintain and strengthen their union, in order that America may fulfill its high mission on behalf of civilization;

Two. That they will, therefore, omit no effort to prevent any controversy which might impair their solidarity;

Three. That they will also make every effort to settle in a friendly manner and as soon as possible the differences which exist between them, in order that their reciprocal confidence and their cooperation for continental defense against any foreign aggression may be further strengthened;

Four. That they reaffirm their strong desire to avoid the use of force in this continent as a means of solving differences between nations and, therefore, to resort exclusively to juridical and pacific methods;

Five. That they consider it essential to extend the sphere of action of these methods, so that in all cases they may be decisively effective for the preservation of peace;

Six. That they will, likewise, make every effort to the end that these principles and aspirations may be adopted in the relations between the nations of America and those of other continents;

Seven. That during the present period of hostilities they will strive for the maintenance of law and justice, in accordance with the declarations of Panama;

Eight. That they vehemently desire that peace be established on bases which will be lasting and inspired by the common welfare of all peoples;



Nine. That they are disposed to maintain international relations on juridical bases resting on the solid foundation of moral forces, in order to reestablish definitively the bonds of human community; and

Ten. That, faithful to their ideals, they will coordinate their own interests with the duties of universal cooperation.

XVII

PROCEDURE ON CONSULTATION

WHEREAS:

1. It is incumbent upon the present Meeting, as provided in paragraph 3 of Chapter II of the Agenda, to examine the functioning of the System of Consultation among the Governments of the American Republics established by the resolutions of the Inter-American Conference for the Maintenance of Peace and of the Eighth International Conference of American States, for the purpose of suggesting measures susceptible of perfecting it;

2. The high motives which led the American Republics to put the aforementioned system into effect, will continue to make advisable the convoking of other Meetings such as those of Panama and of Habana, whenever the lofty interests of the Continent so require;

3. Future Meetings, as in the case of the present one, will have to be convoked under the pressure of events and under emergency conditions which will make it difficult and inadvisable to determine in advance the most appropriate time and country for the Meeting;

4. Prior to the First and the Second Consultative Meetings, the experience and knowledge of the Governing Board of the Pan American Union was resorted to, and in convoking future Meetings, it would be advisable to take advantage of the collaboration of
 the body,



The Second Meeting of the Ministers of Foreign Relations of
the American Republics,

R E S O L V E S:

One. The Government which desires to initiate consultation in any of the cases contemplated in the Conventions, Declarations and Resolutions of the Inter-American Conferences, and to propose a Meeting of the Ministers of Foreign Relations or of their representatives, shall address the Governing Board of the Pan American Union indicating the questions with which it desires the consultation to deal, as well as the approximate date on which the Meeting should be held.

Two. The Governing Board shall immediately transmit the request, together with a list of the subjects suggested, to the other Governments members of the Union, and invite the observations and suggestions which the respective Governments may desire to present.

Three. On the basis of the answers received, the Governing Board of the Pan American Union will determine the date for the Meeting, prepare the appropriate agenda, and adopt, in accordance with the respective Governments, all other measures advisable for the preparation of the Meeting.

Four. The Governing Board of the Pan American Union shall proceed to draft regulations for Consultative Meetings which shall be submitted to all the American Governments for their approval.

Five. The Third Meeting of the Ministers of Foreign Relations of the American Republics will be held at Rio de Janeiro, the capital of Brazil.

Six. After the next Meeting, the designation of the country where each Consultative Meeting shall be held, shall be made by the Governing Board of the Pan American Union in accordance with



the procedure set forth in the present Resolution.

XVIII

RELATIONS BETWEEN THE GOVERNMENTS OF CHILE AND SPAIN

The Second Meeting of Ministers of Foreign Relations of the American Republics,

Pursuant to the declaration of Continental Solidarity proclaimed at the Eighth Pan American Conference held at Lima and ratified at the Consultative Meeting at Panama in 1939,

D E C L A R E S:

That it has followed with concern the conflict which has arisen between Chile and Spain, and that, notwithstanding its cordial sentiments toward Spain, it expresses its lively sympathy and fraternal solidarity with the attitude assumed by the Government of Chile in defence of principles fundamental for the free peoples of America, and that it expresses its hope that the relations between the two States will be reestablished as soon as possible.

XIX

THE QUESTION OF BELIZE

The Second meeting of the Ministers of Foreign Affairs of the American Republics,

R E S O L V E S:

To express the keen desire and wishes of the American countries in favor of a just, peaceful, and prompt solution of the question of Belize between Guatemala and Great Britain.



XX

ACT OF HABANA CONCERNING THE PROVISIONAL ADMINISTRATION
OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS

WHEREAS:

1. The status of regions in this continent belonging to European powers is a subject of deep concern to all of the Governments of the American Republics;

2. As a result of the present European war there may be attempts at conquest, which has been repudiated in the international relations of the American Republics, thus placing in danger the essence and pattern of the institutions of America;

3. The doctrine of inter-American solidarity agreed upon at the meetings at Lima and at Panama requires the adoption of a policy of vigilance and defense so that systems or regimes in conflict with their institutions shall not upset the peaceful life of the American Republics, the normal functioning of their institutions, or the rule of law and order;

4. The course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent;

The Second Meeting of Ministers of Foreign Affairs of the American Republics,

DECLARES:

That when islands or regions in the Americas now under the possession of non-American nations are in danger of becoming the subject of barter of territory or change of sovereignty, the American nations, taking into account the imperative need of



continental security and the desires of the inhabitants of the said islands or regions, may set up a regime of provisional administration under the following conditions:

(a) That as soon as the reasons requiring this measure shall cease to exist, and in the event that it would not be prejudicial to the safety of the American Republics, such territories shall, in accordance with the principle reaffirmed by this declaration that peoples of this continent have the right freely to determine their own destinies, be organized as autonomous states if it shall appear that they are able to constitute and maintain themselves in such condition, or be restored to their previous status, whichever of these alternatives shall appear the more practicable and just;

(b) That the regions to which this declaration refers shall be placed temporarily under the provisional administration of the American Republics and this administration shall be exercised with the two-fold purpose of contributing to the security and defense of the Continent, and to the economic, political and social progress of such regions and,

RESOLVES:

To create an emergency committee, composed of one representative of each of the American Republics, which committee shall be deemed constituted as soon as two-thirds of its members shall have been appointed. Such appointments shall be made by the American Republics as soon as possible.

The committee shall meet on the request of any signatory of this resolution.



If it becomes necessary as an imperative emergency measure before the coming into effect of the convention approved by this Consultative Meeting, to apply its provisions in order to safeguard the peace of the continent, taking into account also the desires of the inhabitants of any of the abovementioned regions, the committee shall assume the administration of the region attacked or threatened, acting in accordance with the provisions of the said convention. As soon as the convention comes into effect, the authority and functions exercised by the committee shall be transferred to the Inter-American Commission for Territorial Administration.

Should the need for emergency action be so urgent that action by the committee cannot be awaited, any of the American Republics, individually or jointly with others, shall have the right to act in the manner which its own defense or that of the continent requires. Should this situation arise, the American Republic or Republics taking action shall place the matter before the committee immediately, in order that it may consider the action taken and adopt appropriate measures.

None of the provisions contained in the present Act refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.



XXI

INTER-AMERICAN SANITARY COOPERATION

WHEREAS:

1. According to reports received by the meeting the principal epidemic diseases, such as bubonic plague, yellow fever and malignant malaria, which were an international menace and could be spread through international commerce, have been effectively controlled to such an extent that for all practical purposes the danger of their international propagation is believed to have been eliminated;

2. Diseases and epidemics are intensified in cases of alterations in the normal life of peoples, reaching alarming degrees whenever wars between nations are unleashed; and

3. The satisfactory results obtained have been due to effective cooperation between various countries, the Pan American Sanitary Bureau and the Rockefeller Foundation, pursuant to the sanitary treaty known as the Pan American Sanitary Code, which has been ratified by all the Governments.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

RESOLVES:

To express its satisfaction for the efficient results obtained to date and to recommend that cooperation with relation to sanitary activities continue and, as far as possible, be extended with a view to further improving sanitary, social and economic conditions, recognized as essentially interdependent and beneficial nationally as well as internationally.



XXII

PROJECT REGARDING COOPERATION BETWEEN PAN AMERICAN
INSTITUTIONS

The Second Meeting of Ministers of Foreign Affairs of
the American Republics

RESOLVES:

That the project presented by the Dominican Delegation
regarding cooperation between official Pan American institu-
tions in defense of the continental principles of peace and
democracy be transmitted for consideration to the Pan American
Union.

XXIII

PAN AMERICAN HIGHWAY

WHEREAS:

1. It has been the invariable desire of all the American Republics, expressed since the First Inter-American Conference, to make effective and practical their solidarity by means of the construction of a network of highways to unite all of their capital cities, and the satisfaction of this desire, as a result of world circumstances, has become a vital and urgent need;
2. In carrying out these aims, the American Republics signed at Buenos Aires, on December 23, 1936, at the Inter-American Conference for the Maintenance of Peace, a convention to advance the financing, the technical studies, and the construction of the highway referred to;
3. The recommendations contained in Resolution III, approved at the First Meeting of the Ministers of Foreign Affairs



of the American Republics, held at Panama in 1939, included the following:

"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."

4. The Pan American Highway, by promoting close relations and commerce between nations, would benefit equally all the inhabitants of the Americas; and

5. The distribution of the cost of constructing the highway among the nations which it crosses on the sole basis of the territorial extension of each country, in addition to not being equitable, makes impossible or delays indefinitely its construction;

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

RESOLVES:

One. To invite the American nations which as yet have not ratified the Convention of Buenos Aires relating to the Pan American Highway, to do so as soon as possible.

Two. To recommend to the Financial Commission created by that Convention that, in drafting the plans for financing the construction of the Highway, it study the desirability of taking into account, in distributing the total cost among the nations linked by it, the following factors: the economic capacity of the individual nations; their population; their revenues; the length of the Highway in the territory of each of them; and the benefits which each nation will derive from the Highway. The said Commission should also take into account



the right of those nations which have constructed all or part of their respective sections to have the estimated value of the work completed by them accepted as all or part of the contribution which would be allocated to the particular country as its share in the total cost of the Pan American Highway.

Three. To recommend to the Inter-American Financial and Economic Advisory Committee that it collaborate fully with the Pan American Highway Financial Commission with a view to the prompt and efficacious accomplishment of its task.

XXIV

INSURANCE AND REINSURANCE

WHEREAS:

1. The Delegation of the Dominican Republic has presented to this Second Meeting a Draft Resolution recommending to the American nations that they encourage by appropriate legislation the development of insurance, and especially of reinsurance facilities; and

2. Because of its complex technical character, a detailed study of the various aspects of this recommendation is required, which this Meeting is not in a position to undertake in view of the shortness of the time at its disposal,

The Second Meeting of the Ministers of Foreign Affairs of the American Republics,

R E S O L V E S:

To transmit to the Inter-American Financial and Economic Advisory Committee, at Washington, the project of the Dominican Republic to the end that it proceed to make a study of it and to report its conclusions to the Governments of the American Republics.

XXV

ECONOMIC AND FINANCIAL COOPERATION



WHEREAS:

1. At the first consultative meeting held at Panama it was resolved to declare that in view of existing circumstances, it had become more desirable and necessary than ever to establish a close and sincere cooperation between the American Republics in order that they might protect their economic and financial structure, maintain their fiscal equilibrium, safeguard the stability of their currencies, promote and expand their industries, intensify their agricultures, and develop their commerce;
2. In order to attain the objectives of the preceding paragraph, it was agreed to create an Inter-American Financial and Economic Advisory Committee, in Washington;
3. The war now in progress has increased the disruption in the channels of international commerce and the curtailment of markets for certain products of the Americas;
4. The existence of surpluses of commodities, the exportation of which is essential to the economic life of the countries of the Americas, is economically, socially, financially, and in other respects a matter of great importance to the masses of the population, and especially to those groups participating in the production and distribution of wealth in each country, and, finally, to the Governments of the entire Continent;
5. It must be anticipated that these difficulties will exist as long as the war continues and that some of them, as well as other new ones, will exist after the war ends; and
6. It is of great importance that the economic development of the American countries be directed towards a diversification of their production and, at the same time, towards an increase in



their consumption capacity;

The Second Meeting of Ministers of Foreign Affairs of the
American Republics

R E S O L V E S:

One. To declare:

- (a) That the American nations continue to adhere to the liberal principles of international trade, conducted with peaceful motives and based upon equality of treatment and fair and equitable practices;
- (b) That it is the purpose of the American nations to apply these principles in their relations with each other as fully as present circumstances permit;
- (c) That the American nations should be prepared to resume the conduct of trade with the entire world in accordance with these principles as soon as the non-American nations are prepared to do likewise;
- (d) That, in the meantime, the American nations shall do everything in their power to strengthen their own economic position; to improve further the trade and other economic relations between and among themselves; and to devise and apply appropriate means of effective action to cope with the difficulties, disadvantages and dangers arising from the present disturbed and dislocated world conditions; and
- (e) That the American nations consider it necessary to maintain or improve the normal economic situation established between them in order to assure the preservation or improvement of the position enjoyed in their respective markets.



Two. To strengthen and expand the activities of the Inter-American Financial and Economic Advisory Committee as the instrument for continuing consultation among the American Republics with respect to economic and trade matters and arrangements, having in mind especially the immediate situations which must be met as a result of the curtailment and changed character of important foreign markets. For the purpose of dealing with special problems, there may be organized subcommittees, composed of representatives of the interested countries, which should meet at such places as may be deemed most appropriate for their effective functioning.

Three. Specifically, to instruct the said Committee that it proceed forthwith:

- (a) To cooperate with each country of this continent in the study of possible measures for the increase of the domestic consumption of its own exportable surpluses of those commodities which are of primary importance to the maintenance of the economic life of such countries;
- (b) To propose to the American nations immediate measures and arrangements of mutual benefit tending to increase trade among them without injury to the interests of their respective producers, for the purpose of providing increased markets for such products and of expanding their consumption;
- (c) To create instruments of inter-American cooperation for the temporary storing, financing and handling of any such commodities and for their orderly and systematic marketing, having in mind the normal conditions of production and distribution thereof;



(d) To develop commodity arrangements with a view to assuring equitable terms of trade for both producers and consumers of the commodities concerned;

(e) To recommend methods for improving the standard of living of the peoples of the Americas, including public health and nutrition measures;

(f) To establish appropriate organizations for the distribution of a part of the surplus of any such commodity, as a humanitarian and social relief measure;

(g) To consider, while these plans and measures are being developed, the desirability of a broader system of inter-American cooperative organization in trade and industrial matters, and to propose credit measures and other measures of assistance which may be immediately necessary in the fields of economics, finance, money, and foreign exchange.

Four. To reaffirm resolution XIII of the Inter-American Financial and Economic Advisory Committee, and to recommend that, in order to promote the economic development of the American nations under the terms of said resolution, each nation, upon its own initiative and in consonance with the program of the Inter American Development Commission, establish appropriate enterprises with government or private capital provided by two or more American republics. Such enterprises may deal directly with the Inter American Bank or other official or private credit institutions, it being recommended that the said Bank give its sympathetic consideration to the possibility of granting them financial aid.



XXVI

VOTE OF THANKS

The Second Meeting of Foreign Ministers of the American Republics

R E S O L V E S:

One. To express its gratitude to His Excellency, The President of the Republic of Cuba, Dr. Federico Laredo Brá, and to his illustrious Government for all the attentions and courtesies extended to all the delegations attending the Meeting.

Two. To record its profound appreciation of the efficacious and admirable work performed by His Excellency, Dr. Miguel Angel Campa, President of the Meeting and Secretary of State of Cuba, and of the skillful and courteous manner in which he has conducted the deliberations of the Meeting.

Three. To congratulate the Secretary General, Dr. César Salaya y de la Puente, and the personnel of the Secretariat, for their admirable contribution to the work of the Meeting, and the many courtesies extended to the members of the several Delegations.

IN WITNESS WHEREOF, the Ministers of Foreign Affairs of the American Republics or their personal representatives, sign and seal the present Final Act.

Done in the City of Habana, this thirtieth day of July, one thousand nine hundred and forty, in texts in the English, Spanish, Portuguese and French languages, which shall be deposited in the archives of the Pan American Union. The Secretary General of the Meeting shall transmit the original of the present Final Act to the Pan American Union through the intermediary of the Department of State of Cuba.



Secretary General of the meeting shall transmit the original of the present Final Act to the Pan American Union through the intermediary of the Department of State of Cuba.

R E S E R V A T I O N S

Reservation of the Mexican Delegation:

1. - As to the Declaration with reference to the relations between the Governments of Chile and Spain. (XVIII):

"The Delegation of Mexico adheres to the declaration which has been approved only because it expresses its lively sympathy and fraternal solidarity with the attitude which the Government of the Sister Republic of Chile has assumed in defense of principles fundamental for the free peoples of America."

Reservation of the Argentine Delegation:

2. - As to the Act of Habana:

"The Delegate of the Argentine Republic in signing this Act places on record that it does not refer to or include the Malvinas Islands, because the latter do not constitute a colony or possession of any European nation, since they are a part of the Argentine territory and are included within its dominion and sovereignty, as was stated at the Panama meeting, which statement he considers reiterated hereby in its entirety, and also with reference to other southern Argentine regions as he has stated in the deliberations of this Commission. He likewise states that the signing of this Act and Resolution does not affect and leaves intact his Government's powers established in the constitutional norms which obtain in Argentina, with respect to the procedure applicable in order that this Act and Resolution may acquire validity, force and effectiveness."

Reservation of the Uruguayan Delegation:

3. - As to the Act of Habana (AA):

"The Delegation of the Republic of Uruguay states that the purpose of this Act is to anticipate the carrying out of the Convention approved on this subject, in case it is necessary to apply the Convention before the number of ratifications requisite for its taking effect has been obtained.

It wishes, therefore, to place on record a reservation respecting the attitude of its Government, under the latter's express instructions, in case it should deem necessary, prior to the application of the Act, to examine the question of whether under the Uruguayan constitutional regime, prior legislative ratification is required."



Reservation of the Bolivian Delegation:

4. - As to the Resolution concerning the Inter-American Committee of Rio de Janeiro (1):

"The Bolivian Delegation desires that the peculiar situation of its country be borne in mind, mediterranean state lacking coasts, whose right to free transit has been recognized in the Convention of Habana, of 1928, on maritime neutrality and by bilateral treaties entered into with frontier nations.

"The application of the principles suggested by the Inter-American Committee on Neutrality, in so far as respects internment, would signify a disregard of the rights of Bolivia on this subject, which has surely not been in the minds of the authors of the project, and would lead to the danger that, in the event of war, the internment of the members of the armed forces of its country, who were forced to cross into neutral territory would take place."

Reservation of the Chilean Delegation:

5. - "The Delegation of Chile, convinced of the need of giving practical application to continental solidarity, approves the agreements with the understanding that Chile will only assume obligations and responsibilities when the aforementioned agreements are ratified by its constitutional bodies."

Reservation of the Chilean Delegation:

6. - As to the Resolution on Economic and Financial Cooperation. (XXV):

"The Delegation of Chile, as it did at the First Consultative meeting of Panama, qualifies its vote in respect of 'liberal principles of international trade' to which reference is made in paragraphs a, b and c of Section 1, for the reasons stated before the Committee which dealt with this project.

"It requests that record of this qualification be made in the appropriate document."

Reservation of the Colombian Delegation:

7. - As to the Act of Habana (XX) and the Declaration concerning Reciprocal Assistance and Cooperation for the Defense of the American Nations (XV):

"I vote affirmatively with the statement that I shall sign the Act of Habana and the Declaration concerning Reciprocal Assistance and Cooperation for the Defense of the Nations of the Americas, subject to approval by my Government and to the constitutional norms of my country."



Reservation of the Venezuelan Delegation:

8. - As to the Act of Habana (XX):

"The Venezuelan Delegation signs with the understanding that the act of Habana relative to colonial possessions is subject to ratification by the public power of the Nation in accordance with its constitutional provisions."

Reservation of the Peruvian Delegation:

9. - As to the Resolution on Pacific Solution of Conflicts:

"Peru accepts the proposal of the Haitian Delegation with the reservation that the Committee shall function only at the request of the interested parties."

HONDURAS:



Silverio Lasner

HAITI:



Loat



COSTA RICA:

Luis Lundberg

MEXICO:

Adrian Sandoval

ARGENTINA:

Con la aclaracion y reserva for
mulada en el acta.
L. Lopez Bele

URUGUAY:

P. Maximiliano

ECUADOR:

Dr. Juan Manuel...



BOLIVIA:

Erigeron fist.

CHILE:



Schubert

BRASIL:



in natura

CUBA:



Styracis pauciflora

PARAGUAY:



Compositae



PANAMA:



Narciso Faray

COLUMBIA:



Luis Lopez de Mesa

VENEZUELA:



W. J. G. ...

EL SALVADOR:



J. E. ...

DOMINICAN REPUBLIC



Emilio ...



PERU:

Linobompe



NICARAGUA:

Kamiranguen

GUATEMALA:

[Signature]

UNITED STATES OF AMERICA:

Cordell Hull

Additional Reservation of the Chilean Delegation:

As to the Act of Habana (XX):

"The Chilean Delegation, at the time of signing the present Final Act, makes reservation in addition to the reservation set forth in yesterday's Private Plenary Session, of the rights of Chile in Antarctica."