INTER-AMERICAN CONFERENCE
FOR THE MAINTENANCE OF PEACE

To assemble at
BUENOS AIRES, ARGENTINA
December 1, 1936

SPECIAL HANDBOOK
FOR THE USE OF DELEGATES

Prepared by the
PAN AMERICAN UNION
Washington, D. C.
INTER-AMERICAN CONFERENCE
FOR THE MAINTENANCE OF PEACE

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PAN AMERICAN UNION
L. S. Rowe . . . . . Director General
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STEPS PREPARATORY TO THE HOLDING
OF THE
INTER-AMERICAN CONFERENCE FOR THE
MAINTENANCE OF PEACE

The proposal for the convocation of an extraordinary Inter-
American Conference for the Maintenance of Peace was made by
the President of the United States, the Hon. Franklin D. Roosevelt,
in virtually identical letters addressed to the Chiefs of State of the
other American Republics on January 30, 1936. The text of the
letter addressed to His Excellency, the President of the Argentine
Republic, is as follows:

MY DEAR MR. PRESIDENT:

The agreement by the Governments of Bolivia and Paraguay upon the peace
protocols recently negotiated at Buenos Aires has afforded the Government
and people of the United States the deepest gratification, since it has led them
to hope that there is now every prospect of a permanent and equitable solution
of this tragic controversy, which has continued for so long a period; which
has caused the sacrifice of so many lives; and which has placed so crushing
a burden of expenditure upon the citizens of the two belligerent nations. I
know well with what intimate concern the Government and people of Argentinia
have followed the course of these hostilities, and their happiness at the
termination of the conflict is fully shared by the Government and people of
the United States.

I cherish the sincere conviction that the moment has now arrived when the
American Republics, through their designated representatives seated at a
common council table, should seize this altogether favorable opportunity to
consider their joint responsibility and their common need of rendering less
likely in the future the outbreak or the continuation of hostilities between
them, and by so doing, serve in an eminently practical manner the cause of
permanent peace on this Western Continent. If the tragedy of the Chaco can
be considered as having served any useful end, I believe such end will lie in
our joint willingness to profit from the experience learned and to exert our
common endeavors in guarding against the repetition of such American
disasters.

It has seemed to me that the American Governments might for these
reasons view favorably the suggestion that an extraordinary inter-American
conference be summoned to assemble at an early date, at Buenos Aires, should
the Government of the Argentine Republic so desire, or, if not, at some other
capital of this Continent, to determine how the maintenance of peace among
the American Republics may best be safeguarded—whether, perhaps, through
the prompt ratification of all of the inter-American peace instruments already
negotiated; whether through the amendment of existing peace instruments in
such manner as experience has demonstrated to be most necessary; or perhaps
through the creation by common accord of new instruments of peace additional
to those already formulated.
These steps, furthermore, would advance the cause of world peace, inasmuch as the agreements which might be reached would supplement and reinforce the efforts of the League of Nations and of all other existing or future peace agencies in seeking to prevent war.

With the conclusion of the Chaco War and with the reestablishment of peace throughout this Continent, there would appear to be offered an opportunity for helpful counsel among our respective governments which may not soon again be presented. Your Excellency's devotion to the maintenance of peace between the American Republics is well known, and I would therefore deeply appreciate such views as Your Excellency may care to express to me, as I would likewise value highly Your Excellency's opinion whether such a special inter-American conference of the American Republics would not in fact prove most beneficial.

I am addressing myself thus personally to Your Excellency, instead of through the usual diplomatic channels, because of my thought that the questions at issue are of such vital concern to the people of this Continent as to warrant a personal interchange of views between the Presidents of the American Republics.

With the expression of my warm regard, believe me, my dear Mr. President, Faithfully yours,

FRANKLIN D. ROOSEVELT.

His Excellency
Agustin P. Justo,
President of the Argentine Republic,
Buenos Aires.

The suggestion was unanimously approved by the Presidents of the twenty other Republics, members of the Pan American Union, and steps were immediately taken looking toward the formulation of a program. On April 8, 1936, a Committee of Twenty-one was formed consisting of the Secretary of State of the United States and the diplomatic representatives in Washington of the other American Republics. At a subsequent meeting of this Committee on April 15th, a Subcommittee was named consisting of His Excellency, the Ambassador of Argentina, Dr. Felipe A. Espil, Chairman; His Excellency, the Ambassador of Mexico, Dr. Francisco Castillo Najera; and His Excellency, the Minister of Guatemala, Dr. Adrian Recinos. The function of this Subcommittee was to solicit suggestions from the several Governments relative to the topics of the program and to formulate a project of agenda to be submitted to the full Committee. At this same meeting it was decided to utilize the regulations of the Seventh International Conference of American States in regulating the procedure of the Inter-American Conference for the Maintenance of Peace.

On May 19, 1936, the Subcommittee submitted to the full Committee a report and a project of program based on the suggestions submitted by the several Governments, members of the Pan American Union. The report and project of program were in turn referred to the Governing Board of the Pan American Union which on the same day adopted a resolution transmitting to the Governments, members of the Union, for examination and comment, the project of program for the Inter-American Conference for the Maintenance of Peace, together with the report of the Subcommittee. At the same time the Governments were requested to communicate any observations or suggestions they might have to make on the program in order that the Governing Board might proceed with the formulation of the definitive agenda.

The original Subcommittee of the Committee of Twenty-one was reappointed and continued to function as the Committee on Program of the Governing Board and at a special session of the Board held on July 22, 1936, presented a report, together with a definitive project of program and project of regulations. The definitive project of program embodied certain modifications on the basis of comments and observations received from the Governments, while the project of regulations was based on the regulations of the Seventh International Conference of American States in accordance with the previous decision of the Governing Board. In approving the report of the Subcommittee and of the project of regulations, the Governing Board of the Pan American Union adopted a resolution reading as follows:

The Governing Board of the Pan American Union, having examined the Report of the Committee and the Project of Program and Regulations of the Inter-American Conference for the Maintenance of Peace,

RESOLVES:

To approve these documents and to recommend to the Inter-American Conference for the Maintenance of Peace that, in harmony with the report of the Committee, preferential consideration be given to the questions relating to the organization of peace, and that the Conference determine which of the other topics, whether of an economic, commercial or cultural character, are sufficiently ripe or merit a sufficiently general consensus of approval to make advisable their consideration; as well as those which should be referred to special conferences or to the Eighth International Conference of American States.
PROGRAM
OF THE
INTER-AMERICAN CONFERENCE FOR THE MAINTENANCE OF PEACE

I. ORGANIZATION OF PEACE
   a. Consideration of possible causes of controversy and of measures for their peaceful solution, excepting questions already settled by treaties.
   b. Co-ordination and perfecting of existing international instruments for the maintenance of peace, and desirability of incorporating them in one instrument.
   c. Consideration of additional measures for the maintenance of peace and the pacific settlement of inter-American controversies.
   d. Measures intended to secure the prompt ratification of treaties and conventions for the maintenance of peace.
   e. Generalization of the inter-American juridical system for the maintenance of peace.
   f. Creation of an Inter-American Court of Justice.
2. Consideration of other measures tending toward closer association of the American Republics and of measures of co-operation with other international entities.

II. NEUTRALITY
3. Consideration of rules regarding the rights and duties of neutrals and belligerents.

III. LIMITATION OF ARMAMENTS
4. Necessity of limiting the organization and armaments of national defense, so as only to guarantee internal security of the States and their defense against foreign aggression.

IV. JURIDICAL PROBLEMS

6. Formulation of principles with respect to the elimination of force and of diplomatic intervention in cases of pecuniary claims and other private actions.
7. Unification of the international American principle and of national legislation with respect to the problems of nationality.

V. ECONOMIC PROBLEMS
8. Measures to promote closer economic relations among the American Republics.
   a. Tariff truces and customs agreements.
   b. Agreement on sanitary regulations affecting the interchange of animal and vegetable products.
   c. Equality of opportunity in international trade.
   d. Financial cooperation.
   e. International aspects of the problems of immigration.
   f. Promotion of travel.
   g. Other measures.
9. Improvement of communication facilities.
   a. Maritime communications.
   b. The Pan American Highway.
   c. Other measures.

VI. INTELLECTUAL COOPERATION
10. Measures to promote closer intellectual and cultural relations between the American Republics, and the development of the spirit of moral disarmament.
REGULATIONS OF THE INTER-AMERICAN CONFERENCE FOR THE MAINTENANCE OF PEACE

CHAPTER I

Personnel of the Conference

SECTION I

Temporary President

ARTICLE 1. The President of the Argentine Republic shall designate the temporary president who shall preside at the opening session and shall continue to preside until the Conference elects a permanent president.

SECTION II

Permanent President

ARTICLE 2. The permanent president of the Conference shall be elected by an absolute majority of the States represented at the Conference.

ARTICLE 3. The duties of the permanent president shall be:

First. To preside at the meetings of the Conference and to submit for consideration in their regular order the subjects contained in the order of the day.

Second. To concede the floor to the delegates in the order in which they may have requested it.

Third. To decide all questions of order raised during the debates of the Conference. Nevertheless, if any delegate shall so request, the ruling made by the chair shall be submitted to the Conference for decision.

Fourth. To call for votes and to announce the result of the vote to the Conference, as provided for by article 17.

Fifth. To transmit to the delegates in advance, through the secretary general, the order of business of each plenary session.

Sixth. To direct the secretary, after the approval of the minutes, to lay before the Conference such matters as may have been presented since the last meeting.

Seventh. To prescribe all necessary measures for the maintenance of order and strict compliance with the regulations.

SECTION III

Vice Presidents

ARTICLE 4. In the first session there shall be settled by lot the numerical order of the delegations for the purpose of establishing the order of precedence of their location. In this order the presidents of the delegations shall be called to occupy the chair in the absence of the president as provided by these regulations.

ARTICLE 5. In case of the absence of the president, the respective vice president shall perform the duties of president in accordance with article 3.

SECTION IV

Secretary General

ARTICLE 6. The Secretary General of the Conference shall be appointed by the President of the Argentine Republic.

ARTICLE 7. The duties of the Secretary General are:

First. To organize, direct, and coordinate the work of the assistant secretaries, secretaries of committees, interpreters, clerks, and other employees which the Government of the Argentine Republic may appoint for service with the secretariat of the Conference.

Second. To receive, distribute, and answer the official correspondence of the Conference in conformity with the resolutions of that body.

Third. To prepare, or cause to be prepared under his supervision, the minutes of the meeting in conformity with the notes the secretaries shall furnish him; and to distribute among the delegates, before each session, printed or mimeographed copies of the minutes of the previous session, for the consideration of the Conference.

Fourth. To revise the translations made by the interpreters of the Conference.

Fifth. To distribute among the committees the matters on which they are required to present reports, and place at the disposal of the committees everything that may be necessary for the discharge of their duties.

Sixth. To prepare the order of the day in conformity with the instructions of the president.

Seventh. To be the intermediary between the delegations or their respective members in matters relating to the Conference and between the delegates and the Argentine authorities.

Eighth. To transmit the original minutes of the Conference and of the committees to the Director General of the Pan American Union for preservation in the archives of the Union.

Ninth. To perform such other functions as may be assigned to him by the regulations, by the Conference, or by the President.

CHAPTER II

Committees of the Conference

ARTICLE 8. Such committees as the Conference may consider necessary shall be organized to study, report, and formulate projects on the topics of the program. Each delegation shall be entitled to be represented by one or more of its members on each committee. The president of the Conference shall designate the membership of the committees in accordance with the lists submitted by the presidents of delegations, indicating the members of the delegations who are to serve on each committee.

A Committee on Initiatives shall be organized, composed of the presidents of delegations and presided over by the president of the Conference.

At the first plenary session the president, with the approval of the Conference, shall name a Committee on Credentials.

ARTICLE 9. Each committee shall elect from among its members a chairman and a vice chairman.

ARTICLE 10. The chairman of each committee shall appoint a reporting delegate for each topic or each group of related topics. The functions of the reporting delegates shall be:

First. To initiate the discussion of the question under consideration and present a report containing the antecedents and an analysis of the various aspects of the question, which shall serve as a basis of discussion.

Second. At the conclusion of the discussion, the reporting delegate shall summarize the debate in a report and shall formulate, in accordance with the opinion of the majority of the committee, the project which, after approval by the committee, shall be submitted to the Conference. A general reporting delegate may be appointed to submit the conclusions of the committee to the Conference.

Third. The minority group of a committee shall have the right to designate a reporting delegate to present their views to the Committee, and the project which they may formulate.
CHAPTER III
The Delegations

ARTICLE 11. Delegates may speak in their own languages from manuscript or otherwise. The interpreters shall render a summary of the speech in the other official languages of the Conference, unless the speaker or any delegate may request a complete translation of his remarks. The interpreters shall also render in the other official languages the remarks of the president and the secretary general of the Conference.

ARTICLE 12. Any delegate may submit to the Conference his written opinion upon the matter under discussion, and may request that it be read upon the minutes of the meeting in which it has been submitted.

A delegation not present at the session may deposit or transmit its vote in writing to the secretary. In this event, the delegation shall be considered as present and its vote counted.

ARTICLE 13. The Director General of the Pan American Union shall be considered as a member ex officio of the Conference, but without a right to vote.

CHAPTER IV
Meetings of the Conference and the Committees

ARTICLE 14. The first meeting shall be held at the time and place designated by the Government of the Argentine Republic, and the further sessions on such days as the Conference may determine.

ARTICLE 15. To hold a meeting it is necessary that a majority of the nations attending the Conference be represented by at least one of their delegates.

ARTICLE 16. At the opening of the meeting the secretary general shall read the minutes of the preceding meeting, unless such reading is dispensed with. Notes shall be taken of any remarks the president or any of the delegates may make thereon, and approval of the minutes shall be in order.

ARTICLE 17. In the deliberations in the plenary sessions as well as in the committees, the delegation of each Republic represented at the Conference shall have but one vote, and the votes shall be taken separately by countries and shall be recorded in the minutes. Votes as a general rule shall be taken orally, unless any delegate should request that they be taken in writing. In this case each delegation shall deposit in an urn a ballot containing the name of the nation which it represents and the sense in which the vote is cast. The secretary shall read aloud these ballots and count the votes.

ARTICLE 18. The Conference shall not proceed to vote on any report, project, or proposal relating to any of the subjects included in the program, except when at least two-thirds of the nations attending the Conference are represented by one or more delegates.

ARTICLE 19. All proposals amending the motion, project, or resolution under consideration shall be referred to the respective committees, unless the Conference shall by a two-thirds vote decide otherwise.

ARTICLE 20. Amendments shall be submitted for discussion and put to a vote before the article or motion the text of which they are intended to modify is acted upon.

ARTICLE 21. The Conference may, by a two-thirds vote of the delegations present, suspend the rules and proceed to the consideration of a motion, provided, however, that in all cases the procedure with respect to new topics as set forth in article 25 shall be followed.

ARTICLE 22. Except in cases expressly indicated in these regulations, proposals, reports, and projects under consideration by the Conference shall be considered approved when they have obtained the affirmative vote of an absolute majority of the delegations represented by one or more of their members at the meeting where the vote is taken. The delegation which may have sent its vote to the secretary shall be considered as present at the meeting.

ARTICLE 23. The following may attend the sessions of the Conference and of the committees: The delegates with their respective secretaries and attaches; the Director General and other accredited representatives of the Pan American Union; the secretaries and members of the secretariat of the Conference; duly accredited representatives of the press; and any others to whom the Conference may by a majority vote extend this privilege.

At the request of any delegation the Conference may agree to go into secret session. A motion to this effect shall immediately be put and voted upon without discussion.

At the close of the session the secretary general shall issue to the press a statement summarizing the results of the session, except in the event set forth in the preceding paragraph, in which case the Conference shall decide as to the publication of the results of the session.

ARTICLE 24. The official languages of the Conference shall be Spanish, English, Portuguese, and French. The reports, projects, and other documents shall be printed and submitted to the consideration of the Conference and of the committees at least in Spanish and English.

The reports and projects shall be submitted for discussion at a meeting subsequent to that at which they were distributed.

CHAPTER V
New Topics

ARTICLE 25. If any delegation should propose for the consideration of the Conference a topic not included in the program, the topic shall be referred to the Committee on Initiatives, and after submission of its report and acceptance by a two-thirds vote of the delegations, the topic shall be referred to the respective technical committee.

CHAPTER VI
Minutes of the Sessions

ARTICLE 26. The minutes approved by the Conference shall be signed by the president and the secretary general. The minutes approved by the committees shall be signed by the respective presidents and secretaries. The minutes shall be printed in Spanish, English, Portuguese, and French, in pages of two columns, and a sufficient number of copies shall be issued so that each delegate may receive four copies. The original minutes shall be preserved in the archives of the Pan American Union.

SECTION II
Final Act

ARTICLE 27. The final act shall be prepared as the work of the Conference develops. After each plenary session there shall be inserted in the draft of the final act, with a number and a title indicating the subject matter, the treaties, conventions, resolutions, agreements, votes, and recommendations approved at the session and the date of the session on which they were approved. The day before the closing of the Conference the secretary general shall submit to the delegates for examination copies of the final act in Spanish, English, Portuguese, and French. The delegates shall communicate to the secretary general whatever comments they may have to make with respect to
the drafting of the final act. The original of the final act shall be signed by the delegations at the closing session of the conference and transmitted by the secretary general to the Minister of Foreign Affairs of the Argentine Republic in order that certified copies may be sent to the Governments of the American Republics and to the Pan American Union within ninety days following the close of the Conference.

CHAPTER VII
Diplomatic Instruments

ARTICLE 28. Immediately after the approval of a treaty or convention the original instrument shall be drafted in Spanish, English, Portuguese, and French and submitted to the delegations for examination, and shall be signed at the final session. After signature, the instrument shall be transmitted by the secretary general of the Conference to the Minister of Foreign Affairs of the Argentine Republic, who shall transmit certified copies to the Governments of the American Republics represented at the Conference and to the Pan American Union.

The signatory States shall deposit in the Pan American Union the instruments of ratification of the treaties and conventions signed at the Inter-American Conference for the Maintenance of Peace, and the Pan American Union shall notify the other signatory States of the deposit.

CHAPTER VIII
Amendments to the Regulations

ARTICLE 29. These regulations, after approval by the Governing Board, shall be transmitted to the Conference, through the intermediary of the Government of the Argentine Republic. The regulations shall be subject to such modifications as may be determined by a vote of two-thirds of the delegations at the Conference.
ratified by the following Governments: Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras (ratification not deposited), Mexico, Nicaragua, Panama, Peru, United States, Uruguay and Venezuela (ratification not deposited).

C. General Treaty of Inter-American Arbitration, also signed at the International Conference of American States on Conciliation and Arbitration at Washington, January 5, 1929. This Treaty has been ratified by Brazil, Chile, Cuba, Dominican Republic, El Salvador, Guatemala, Haiti, Honduras (ratification not deposited), Mexico, Nicaragua, Panama, Peru, United States and Venezuela.


E. Additional Protocol to the Conciliation Convention of 1929, signed at the Seventh International Conference of American States. This Protocol has been ratified by Chile, Haiti (ratification not deposited), Honduras (ratification not deposited), Mexico, and the United States. Guatemala has adhered to the instrument.

In addition to the foregoing peace treaties of a purely continental character, the American republics are parties to the following instruments of a universal character which provide means for the pacific settlement of international disputes:


The Convention of 1899 has been ratified or adhered to by the following American States: Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Panama, Paraguay, Peru, United States, Uruguay, and Venezuela.

The Convention of 1907 has been ratified or adhered to by the following American States: Bolivia, Brazil, Cuba, El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Panama, and the United States.

2. The Argentina Anti-War Treaty, initiated by the Minister of Foreign Affairs of Argentina, Señor Dr. Carlos Saavedra Lamas.

The following American republics have ratified the treaty:

Argentina, Bolivia (ratification not deposited), Brazil (ratification not deposited), Chile, Colombia, Cuba, Dominican Republic, Ecuador (ratification not deposited), El Salvador, Guatemala (ratification not deposited), Haiti, Honduras (ratification not deposited), Mexico, Nicaragua, Peru (ratification not deposited), United States and Venezuela.

DECLARATIONS AGAINST WAR AND THE FORCIBLE ACQUISITION OF TERRITORY

The American Republics are parties to the following declarations against war and the forcible acquisition of territory:

1. Recommendation of the First International Conference of American States, April 18, 1890.

Whereas there is, in America, no territory which can be deemed res nullius; and

Whereas, in view of this, a war of conquest of one American nation against another would constitute a clearly unjustifiable act of violence and spoliation; and

Whereas the possibility of aggressions upon national territory would inevitably involve a recourse to the ruinous system of war armaments in time of peace; and

Whereas the Conference feels that it would fall short of the most exalted conception of its mission were it to abstain from embodying its pacific and fraternal sentiments in declarations tending to promote national stability and guaranty just international relations among the nations of the continent: Be it therefore

Resolved by the International American Conference, That it earnestly recommends to the Governments therein represented the adoption of the following declarations:

First. That the principle of conquest shall not, during the continuance of the treaty of arbitration, be recognized as admissible under American public law.

Second. That all cessions of territory made during the continuance of the treaty of arbitration shall be void if made under threats of war or in the presence of an armed force.

Third. Any nation from which such cessions shall be exacted may demand that the validity of the cessions so made shall be submitted to arbitration.

Fourth. Any renunciation of the right to arbitration, made under the conditions named in the second section, shall be null and void.

2. Resolution of the Sixth International Conference of American States, February 18, 1928.

The Sixth International Conference of American States:

Considering:

That the American nations should always be inspired in solid cooperation for justice and the general good:

That nothing is so opposed to this cooperation as the use of violence;

That there is no international controversy, however serious it may be, which can not be peacefully arranged if the parties desire in reality to arrive at a pacific settlement:
That war of aggression constitutes an international crime against the human species:

Resolves:
1. All aggression is considered illicit and as such is declared prohibited.
2. The American States will employ all pacific means to settle conflicts which may arise between them.

3. On January 7, 1932, during the conflict in Manchuria between China and Japan, the Secretary of State of the United States of America sent the following note to the two countries:

But in view of the present situation and of its own rights and obligations therein, the American Government deems it to be its duty to notify both the government of the Chinese Republic and the Imperial Japanese government that it cannot admit the legality of any situation de facto nor does it intend to recognize any treaty or agreement between those governments, or agents thereof, which may impair the treaty rights of the United States or its citizens in China, including those which relate to the sovereignty, the independence, or the territorial and administrative integrity of the Republic of China, or to the international policy relative to China, commonly known as the open-door policy; and that it does not intend to recognize any situation, treaty, or agreement which may be brought about by means contrary to the covenants and obligations of the Pact of Paris of August 27, 1928, to which treaty both China and Japan, as well as the United States, are parties.

4. On March 11, 1932, during the same conflict between China and Japan, the Assembly of the League of Nations adopted the following resolution:

The Assembly,
Considering that the provisions of the Covenant are entirely applicable to the present dispute, more particularly as regards:
(1) The principle of a scrupulous respect for treaties;
(2) The undertaking entered into by Members of the League of Nations to respect and preserve as against external aggression the territorial integrity and existing political independence of all the Members of the League;
(3) Their obligation to submit any dispute which may arise between them to procedures for peaceful settlement;
Adopting the principles laid down by the acting President of the Council, M. Briand, in his declaration of December 16th, 1931;
Recalling the fact that twelve Members of the Council again invoked those principles in their appeal to the Japanese Government on February 16th, 1932, when they declared "that no infringement of the territorial integrity and no change in the political independence of any Member of the League brought about in disregard of Article 10 of the Covenant ought to be recognized as valid and effectual by Members of the League of Nations";
Considering that the principles governing international relations and the peaceful settlement of disputes between Members of the League above referred to are in harmony with the Pact of Paris, which is one of the cornerstones of the peace organization of the world, and under Article 2 of which "the High Contracting Parties agree that the settlement or solution of all disputes or conflicts, of whatever nature and wherever arising they may be, which may arise among them shall never be sought except by pacific means";
Pending the steps which it may ultimately take for the settlement of the dispute which has been referred to it;

Proclaims the binding nature of the principles and provisions referred to above and declares that it is incumbent upon the Members of the League of Nations not to recognize any situation, treaty or agreement which may be brought about by means contrary to the Covenant of the League of Nations or to the Pact of Paris.

5. On February 24, 1933, the Assembly adopted the report of its Special Committee on the Sino-Japanese dispute, which contained the following paragraphs:

In view of the special circumstances of the case, the recommendations made do not provide for a mere return to the status quo existing before September, 1931. They (Members of the League) likewise exclude the maintenance and recognition of the existing regime in Manchuria, such maintenance and recognition being incompatible with the fundamental principles of existing international obligations and with the good understanding between the two countries on which peace in the Far East depends.

It follows that, in adopting the present report, the Members of the League intend to abstain, particularly as regards the existing regime in Manchuria, from any act which might prejudice or delay the carrying out of the recommendations of the said report. They will continue not to recognize this regime either de jure or de facto. They intend to abstain from taking any isolated action with regard to the situation in Manchuria and to continue to concert their action among themselves as well as with the interested States not members of the League.

6. Treaty for the Renunciation of War. The following American Republics are parties: Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, United States and Venezuela. Bolivia, El Salvador and Uruguay have expressed an intention to adhere. The provisions of the treaty are:

ARTICLE 1. The High Contracting Parties solemnly declare in the names of their respective peoples that they condemn recourse to war for the solution of international controversies, and renounce it as an instrument of national policy in their relations with one another.

ARTICLE 2. The High Contracting Parties agree that the settlement or solution of all disputes or conflicts of whatever nature or of whatever origin they may be, which may arise among them, shall never be sought except by pacific means.

7. Declaration of August 3, 1932. This declaration was signed at Washington by representatives of Argentina, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Peru, United States, Uruguay and Venezuela. The text of this Declaration is as follows:

The representatives of all the American Republics meeting in Washington, the seat of the Neutral Commission, having been duly authorized by their
respective Governments, have the honor to make the following declaration to the Governments of Bolivia and Paraguay:

"Respect for law is a tradition among the American nations who are opposed to force and renounce it both for the solution of their controversies and as an instrument of national policy in their reciprocal relations. They have long been the proponents of the doctrine that the arrangement of all disputes and conflicts, no matter of nature or origin that may arise between them, can only be sought by peaceful means. The history of the American nations shows that their boundary and territorial controversies have been arranged by such means. Therefore, the nations of America declare that the Chaco dispute is susceptible of a peaceful solution and they earnestly request Bolivia and Paraguay to submit immediately the solution of this controversy to an arrangement by arbitration or by such other peaceful means as may be acceptable to both.

"As regards the responsibilities which may arise from the various encounters which have occurred from June 15 to date, they consider that the countries in conflict should present to the Neutral Commission all the documentation which they may consider pertinent and which will be examined by it. They do not doubt that the country which this investigation shows to be the aggressor will desire to give satisfaction to the one attacked, thus eliminating all misunderstanding between them.

"They furthermore invite the Governments of Bolivia and Paraguay to make a solemn declaration to the effect that they will stop the movement of troops in the disputed territory which should clear up the atmosphere and make easy the road to the solution of good understanding which America hopes for in the name of the permanent interests of all the countries of this hemisphere.

"The American nations further declare that they will not recognize any territorial arrangement of this controversy which has not been obtained by peaceful means nor the validity of territorial acquisitions which may be obtained through occupation or conquest by force of arms."


This Convention has been ratified by: Chile, Colombia, Cuba, Dominican Republic, El Salvador (ratification not deposited), United States, Guatemala, Honduras (ratification not deposited), Mexico.

ARTICLE 10. The primary interest of states is the conservation of peace. Differences of any nature which arise between them should be settled by recognized pacific methods.

ARTICLE 11. The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.

EFFORTS OF THE LEAGUE OF NATIONS TO ORGANIZE PEACE

After the adoption of the Covenant of the League of Nations, the efforts of the League to organize peace proceeded along a number of lines. Following the failure of the Draft Treaty of Mutual Assistance of 1923, the Geneva Protocol of October 2, 1924, prohibited recourse to war in any circumstances, provided means by which to obtain a binding decision of all disputes, had a method for determining an aggressor, and set up the sanctions to be used against him. The fundamental purpose of the Protocol was, in its own words "to facilitate the reduction and limitation of armaments provided for in Article 8 of the Covenant of the League of Nations by guaranteeing the security of States through the development of methods for the pacific settlement of all international disputes and the effective condemnation of aggressive war."

Though the general system of the Protocol of Geneva was abandoned in 1925, its elements have been used in subsequent multilateral treaties, in combination with other ideas.

The Locarno agreement of October 16, 1925, represents an alternative regional approach to the problem which the Geneva Protocol had attempted to solve through a general agreement. Under the terms of the Locarno Pact, Belgium, France, and Germany entered into mutual undertakings of non-aggression, while Italy and England agreed to support the party attacked. The treaty was approved by the Assembly of the League in 1926, which suggested that its principles be applied in other parts of the world.

The General Act for the Pacific Settlement of International Disputes of 1928 was an attempt by the League of Nations to develop the Locarno formula still further, and it culminated several years of debates on arbitration and security in the Assembly. The Committee on Arbitration and Security presented to the Assembly of 1928 a number of model treaties of conciliation and judicial settlement, mutual assistance and non-aggression. These draft treaties served as the bases for the General Act of 1928 formulated by the Assembly to serve as a standardized multilateral system of conciliation for all disputes, of arbitration for non-legal disputes not settled by conciliation, and of judicial settlement for juridical questions. The General Act was opened to accession on September 28, 1928, and it entered into force August 16, 1929. On July 1, 1935, it had 23 accessions.

The Convention to Improve the Means of preventing War, adopted by the Assembly on September 26, 1931, represents another step taken by the League in its effort to organize peace through general agreements providing means by which the desire

3 See Appendix G for text, page 123.
for security may be satisfied. The principal purpose of
the convention is to empower the Council of the League to prescribe
measures which will prevent incidents and military clashes when
a threat of war exists. The Convention is not yet in force,
although Peru has ratified the instrument, and Colombia, Panama,
and Uruguay are signatories.

IDENTIFICATION OF AN AGGRESSOR

As several governments have proposed that the forthcoming
Conference consider the problem of the definition of an aggressor
state, the following antecedents in the matter have been collected:

The Protocol for the Pacific Settlement of International Disputes, which
the Assembly of the League of Nations recommended in 1924 to the acceptance
of the members of the League, and which was signed (but not ratified) by 18
countries, defines aggression in Article 10, as follows:

Every State which resorts to war in violation of the undertakings contained
in the Covenant or in the present Protocol is an aggressor. Violation of the
rules laid down for a demilitarized zone shall be held equivalent to resort
to war.

In the event of hostilities having broken out, any State shall be presumed to
be an aggressor, unless a decision of the Council, which must be taken unani-
mously, shall otherwise declare:

1. If it has refused to submit the dispute to the procedure of pacific
settlement provided for in Articles 13 and 15 of the Covenant as modified by the
Protocol, or to comply with a judicial sentence or arbitral award or with
a unanimous recommendation of the Council, or has disregarded an
unanimous report of the Council, a judicial sentence or an arbitral award
recognizing that the dispute between it and the other belligerent State arises
out of a matter of international law and is solely within its domestic jur-
diction of the latter State; nevertheless, in the last case the State shall only
be presumed to be an aggressor if it has not previously submitted the question
to the Council or the Assembly, in accordance with Article 11 of the Covenant.

2. If it has violated provisional measures enjoined by the Council for the
period while the proceedings are in progress as contemplated by Article 7 of
the present Protocol.

Apart from the cases dealt with in paragraphs 1 and 2 of the present Article,
if the Council does not at once succeed in determining the aggressor, it shall
be bound to enjoin upon the belligerent an armistice, and shall fix the terms,
acting, if need be, by a two-thirds majority and shall supervise its execution.

Any belligerent which has refused to accept the armistice or has violated
its terms shall be deemed an aggressor.

The Council shall call upon the signatory States to apply forthwith against
the aggressor the sanctions provided by Article 11 of the present Protocol,
and any signatory State thus called upon shall thereupon be entitled to exer-
cise the rights of a belligerent.

On May 24, 1933, the Committee on Security Questions of the
League of Nations submitted a draft security pact which embodied
the definition of an aggressor which the Russian Government had
proposed at the Disarmament Conference of that year. Sub-
sequently, on July 3 and 4, during the London Monetary and
Economic Conference, two conventions were signed by which 12
countries accepted that definition in their mutual relations.1 The
definition follows:

ARTICLE II. Accordingly, the aggressor in an international conflict shall,
subject to the agreements in force between the parties to the dispute, be con-
sidered to be that state which is the first to commit any of the following acts:

1. Declaration of war upon another state;
2. Invasion by its armed forces, with or without a declaration of war, on
the territory, vessels or aircraft of another state;
3. Attack by its land, naval or air forces, with or without a declaration of war,
on the territory, vessels or aircraft of another state;
4. Naval blockade of the coasts or ports of another state;
5. Provision of support to armed bands formed in its territory which have
invaded the territory of another state, or refusal, notwithstanding the request
of the invaded state, to take, in its own territory, all the measures in its
power to deprive those bands of all assistance or protection.

ARTICLE III. No political, military, economic or other considerations may
serve as an excuse or justification for the aggression referred to in Article II.
(For examples, see Annex.)

Annex to Article III. The High Contracting Parties . . .

Declare that no act of aggression within the meaning of Article II of the
Convention can be justified on either of the following grounds, among others:
A. The internal condition of a state; e. g., its political, economic or social
structure; alleged defects in its administration; disturbances due to strikes,
revolutions, counter-revolutions, or civil war.

B. The international conduct of a state; e. g., the violation or threatened
violation of the material or moral rights or interests of a foreign state or its
nationals; the rupture of diplomatic or economic relations; economic or financial
boycotts; disputes relating to economic, financial or other obligations toward
foreign states; frontier incidents not forming any of the cases of aggression
specified in Article II.

The High Contracting Parties further agree to recognize that the present
Convention can never legitimate any violations of international law that may
be implied in the circumstances comprised in the above list.

In ratifying the Anti-War Treaty of Non-Aggression and Con-
ciliation (Argentine Anti-War Pact), the Colombian Government
made the following declaration of definition of an aggressor:

The Government of Colombia considers it necessary, in order to assure the
effective and full application of the Pact, to place on record the following
definition of aggression as a complement to Article 1 and in relation to the
other provisions of the Pact:

1. Declaration of war on another state;
2. Invasion by the armed forces of a state of the territory of another state
although without declaration of war:

1The convention of July 3, 1933, is between Afghanistan, Estonia, Finland, Latvia, Persia,
Poland, Romania, the Union of Soviet Socialist Republics, and Turkey.

2The convention of July 4, 1933, is between Czechoslovakia, Romania, Turkey, the Union of
Soviet Socialist Republics, and Yugoslavia.

The Union of Soviet Socialist Republics and Lithuania signed an identical convention on
July 5, 1933.
3. Attack by the land, naval, or air forces of a state on the territory, ships, or airplanes of another state, although without declaration of war;
4. Naval blockade of the coasts or ports of another state;
5. Aid given by a state to armed bands formed in its territory, which have invaded the territory of another state; or the act of refusing, notwithstanding the request of the state invaded, to adopt in its own territory all those measures incumbent on it to deprive such armed bands of help or protection.

CREATION OF AN INTER-AMERICAN COURT OF JUSTICE

The first international court of justice established on the American Continent was the Central American Court of Justice, created by the Central American Peace Conference of 1907. At this Conference, the representatives of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, signed a “Convention for the Establishment of a Central American Court of Justice,” by which the parties bound themselves to submit to the Court “all controversies or questions which may arise among them, of whatsoever nature and no matter what their origin may be, in case the respective Departments of Foreign Affairs should not have been able to reach an understanding.”

The Court lasted ten years and it furnished the basis for future studies and projects.

During the Fifth International Conference of American States held at Santiago, Chile, in 1923, the Chairman of the Costa Rican Delegation presented for the consideration of the Juridical Commission, a project for the establishment of a Permanent Pan American Court of Justice. After having been briefly discussed in the committee, the plan was referred for further study to the International Commission of Jurists which was to meet at Rio de Janeiro. The Commission met in 1927, but made no recommendation in the matter to the Sixth Conference.

At the Conference on Central American Affairs held at Washington from December 4, 1922, to February 7, 1923, a plan was submitted for the establishment of an International Central American Tribunal. The Convention was unanimously adopted and signed by Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica. The Convention did not come into force, through failure of ratification.

At the Seventh International Conference of American States held at Montevideo in 1933, the Mexican Delegation presented a project of Peace Code designed to coordinate in one document the various features of the different peace treaties. It aimed to include in a single instrument all the elements capable of promoting peace. The fifth part of this project provided for an American Court of International Justice. The Conference adopted a resolution (XXV of the Final Act) directing the Pan American Union to submit the project to the American governments for consideration. In compliance with the resolution of the Conference, the Pan American Union has transmitted copies of the Mexican Peace Code to all the States, members of the Union.

MEASURES INTENDED TO SECURE THE PROMPT RATIFICATION OF TREATIES AND CONVENTIONS FOR THE MAINTENANCE OF PEACE

The International Conferences of American States have on various occasions adopted measures intended to expedite the prompt consideration by the governments of the treaties and conventions signed at the Conferences.

The Pan American Union is empowered by its Organic Statutes “to assist in obtaining ratification of the treaties and conventions.” This provision appears in the resolutions of the Fourth and Fifth Conferences on the Pan American Union and in the Convention on the Union adopted at the Sixth Conference.

In addition, the following provision is found in Article IX of the Convention on the Pan American Union:

Cooperation between official Pan American organizations.

For the purpose of coordinating the results of the work of other official Pan American organizations, and of establishing relations of close cooperation between them, the program of work and the development of their activities shall, as far as possible, be the subject of agreement between their directive bodies and the Governing Board of the Pan American Union.

The Governments members of the Union which may not have an efficient organ for the study and investigation of Pan American affairs, shall establish a committee composed of persons of experience in such matters, or an office attached to the Ministry of Foreign Affairs entrusted with Pan American affairs.

These committees or offices shall have the following duties:

(a) To cooperate with their respective governments to obtain ratification of treaties and conventions, and to the carrying out of the agreements adopted by the International Conferences of American States;
(b) To furnish the Pan American Union promptly with the information it may need in the preparation of its work;
(c) To present to the Union through the proper channels such projects as they may consider useful to the purposes of the Union.

See Appendix H for text, page 131.
See Appendix I for text, page 135.
See Appendix J for text, page 135.
The Seventh International Conference of American States paid special attention to the question of the ratification of treaties and conventions, and adopted the following resolutions:

1. Resolution IV: Adherence to and Ratification of Peace Instruments:

The Seventh International Conference of American States:

Whereas, The organization of peace demands the international treaties, conventions, pacts and agreements that may insure the reign of peace in the relations between American countries and with all the nations of the progress of law and of international justice being thus furthered in a definite manner, and the use of force and violence banished from their mutual intercourse;

Whereas, There exist a number of peace instruments that would be an ample and suitable guarantee of the high purposes assayed by the Treaty for Avoiding and Preventing Conflicts, concluded in Santiago, Chile, in 1923, and known as the "Gondra Treaty"; the Kellogg-Briand Treaty, signed in Paris in 1928; the Conciliation Convention, signed in Washington in 1929; and the Inter-American Arbitration Treaty of the same year, as well as the Anti-War Treaty, of Argentine initiative, signed in Rio de Janeiro, in 1933;

Whereas, Although these conventions, pacts and agreements have been signed and even ratified by a certain number of States, there still remain some countries that have not signed or ratified them, impairing thereby the effectiveness of these great instruments of peace, which, if coordinated and converted into obligations enforced in every country of the American Continent, would suffice to prevent the crime of war and the disastrous consequences of every kind which it entails for the present and future of all nationalities;

Whereas, The Anti-War Treaty, of Argentine initiative, is intended, as stated in its principles, to coordinate and make effective these various peace instruments that may definitely establish international peace without revoking any of the existing instruments, this being one of its characteristics and one of the superior aims with which it is inspired;

RESOLVES:

1. To invite the countries represented at this Conference which have not yet adhered to such peace instruments, to do so; to that end they shall present the respective notifications to the General Secretariat within the shortest possible time, with the reservations, if any, which they may deem indispensable to make.

2. That the countries which adhere in the manner set forth above, shall deposit their respective instruments of adherence in the manner established by the aforesaid conventions and pacts, viz.: the Gondra Treaty, at Santiago, Chile; the Kellogg-Briand Treaty at Washington; the Inter-American Conciliation Convention at Santiago, Chile; the Inter-American Arbitration Treaty at Washington; and the Anti-War Treaty, at Buenos Aires.

The adoption of this resolution is necessary in the interest of international peace and security, and it is hoped that the States represented at this Conference will accord it the necessary attention and support.

Following the approval of the foregoing resolution, a number of the representatives at the Conference signed the following proces-verbal of the intention to subscribe to the pacts for the settlement of international conflicts by pacific means:

DO NOW DECLARE

That, in compliance with the resolution of the Conference, they will interest their respective Governments to the end that, once the corresponding constitutional requirements are fulfilled, they proceed to the ratification of all those pacts which have not yet been completed and to which they are parties, and to adhere or accede to, with or without reservations, all other covenants for the pacific settlement of international conflicts as herein may be stipulated.

In witness whereof they sign and affix their seals to this Proces Verbal, in the Legislative Palace, of the Republic of Uruguay, seat of the Conference.

2. Resolution LVI: Ratification of Conventions.

The Seventh International Conference of American States Resolves:

1. To expedite the study, approval and ratification of inter-American treaties and conventions, and to stimulate the fulfillment of the resolutions and recommendations of Inter-American conferences of every character, the Pan American Union that the suggestion of the respective Governments, shall designate a representative ad-hoc to each country, as not being a public official, and who shall fulfill his duty in agreement with the local Pan American Committee.

2. For the same purposes and with the object of maintaining interest in all continental matters, the Governments shall be requested to convocate periodic meetings of the Pan American Committees.

3. The Pan American Union may send one or more representatives to the American countries, with the object of promoting the examination, approval, ratifications and deposit of ratifications of treaties and conventions.


The Seventh International Conference of American States Recommends:

1. That in the interval between two Inter-American Conferences, the Pan American Union may communicate with the Governments, inquiring whether they are willing to explain the objections they may have to the conventions open to their signature, with the sole object of studying the possibility of finding solutions in which the majority of the States, members of the Union, may concur.

2. That the Pan American Union shall report to each International Conference the result of this inquiry and, based thereon, the International Conventions shall designate, upon convening, a special Committee charged to study the modifications that it may be necessary to introduce in the conventions already signed, to obtain the ratification of a considerable majority, or to indicate the conventions which by reason of not being ratified by a majority of States, should only be considered as limited agreements.

3. That the Pan American Union shall transmit, every six months, through
the representatives on the Governing Board, a chart showing the status of the ratifications, reservations, accessions and denunciations of the treaties and conventions signed at Conferences held by countries members of the Union.

Pursuant to resolution LVII above, the Governing Board of the Pan American Union approved the following resolution at its session of May 2, 1934:

The following measures would be conducive to giving practical effect to the desire repeatedly expressed by the International Conferences of American States, as set forth in the above mentioned resolutions:

1. Once treaties or conventions have been signed, the Government of the country in which the conference is held should remit to each of the signatory states a certified copy of each of the treaties and conventions signed at the conference.

2. The signatory governments should be urged, in so far as constitutional provisions may permit, to submit the treaties and conventions to their respective Congresses at the first opportunity following the receipt of the certified copies mentioned in the preceding paragraph.

3. The Pan American Union shall transmit, every six months, through the members of the Governing Board, a chart showing the status of the ratifications, reservations, accessions and denunciations of treaties and conventions signed at Conferences held by countries members of the Union.

4. The Pan American Union shall address a communication to each of the American governments requesting that, in accordance with resolution LVII of December 23, 1933, of the Seventh International Conference of American States, and with the sole purpose of studying the possibility of finding a formula acceptable to the majority of the countries members of the Union, the respective government is requested to make known the objections which it may have to the conventions open to its signature or awaiting ratification by its National Congress.

The communication, while recognizing the right of each state to decide in accordance with its interests the question of ratification of treaties and conventions signed at the International Conferences of American States, shall furthermore request each Government to communicate to the Pan American Union the modifications which in its judgment will make ratification possible.

5. The communication addressed to the American Governments in accordance with the preceding paragraphs, shall be sent once a year, an endeavor being made to send it at the time of the regular session of the respective Congress.

At the same session of May 2, 1934, the Board adopted the following recommendation of its committee appointed to study the steps which the Union could take in fulfillment of resolution LVII:

The Committee believes that the following recommendations will contribute to the reorganization and effective cooperation of the Pan American Community.

1. That the Governments that have not organized Pan American Committees as contemplated in the resolutions of the Conferences to which reference has been made, be urged to do so as soon as possible.

2. That the Governments of the countries in which Committees have been established but in which they do not function regularly, be urged to reorganize such Committees in the manner provided for in the resolutions of the Third,

Fourth, Fifth, Sixth and Seventh Conferences.

3. That it be suggested to the Governments that the Committees be provided with a secretariat.

4. That the Director General be requested to maintain close contact with the Pan American Committees to secure the cooperation contemplated by the above mentioned resolutions.

At a meeting held on February 5, 1936, the Governing Board of the Pan American Union approved the report of a special committee of the Board appointed to study the subject of the ratification of treaties and conventions. The recommendations of the committee were as follows:

The Committee has also given consideration to the general question of securing the ratification of treaties and conventions signed at Pan American Conferences, and to the two resolutions on this subject adopted at the Seventh International Conference of American States. As a result of this study, the Committee begs to submit the following recommendations to the Governing Board:

1. That the Pan American Union continue the publication of the chart on the status of treaties and conventions signed at Pan American Conferences, and that when these charts are sent to the Governments, the Director General be authorized to make inquiry as to the present status of the treaties and conventions and the progress that has been made toward ratification since the last chart was submitted.

2. The Committee further recommends that, as contemplated by resolution LVII of the Montevideo Conference, representatives ad-hocoren of the Pan American Union be appointed in each country to expedite the study, approval and ratification of inter-American treaties and conventions and recommendations of the Inter-American Conferences. It is recommended that the Director General be authorized to communicate with the respective Governments relative to this.

The Third International Conference of American States made the following recommendation:

To recommend to the Governments represented at the Conference the appointment of a Committee responsible to the Minister of Foreign Affairs and empowered, if possible, of persons who have hereafter served as Delegates to International American Conferences, to the end that:

1. The resolutions adopted by the International American Conferences shall be approved.

2. The International Bureau of American Republics shall be furnished with all information necessary for the preparation of this work and that

3. The Committee shall exercise such further functions as the respective Governments shall deem proper.

At the Fourth International Conference of American States, which met at Buenos Aires, the functions of such a Committee were more clearly defined in Article X of the Resolutions on the Pan American Union, which reads as follows:

There shall be in the Capital of each of the Republics of this Union a Pan American Commission responsible to the Minister of Foreign Affairs of their respective Governments.

These Commissions may correspond with the Pan American Union either directly or through the diplomatic representative in Washington.

The Governments represented shall be entitled to send, at their own cost, to the Pan American Union a special agent of the respective Commission, charged with the supply of such data and information as may be asked from him and at the same time secure such as may be needed by his Government.

The Fifth Conference inserted a similar provision in the resolutions on the Pan American Union.
to the designation of an individual to serve as the representative of the Pan American Union for the above mentioned purposes.\textsuperscript{1}

**GENERALIZATION OF THE INTER-AMERICAN JURIDICAL SYSTEM FOR THE MAINTENANCE OF PEACE**

The Seventh International Conference of American States adopted the following resolution:

The Seventh International Conference of American States,

RESOLVES:

To suggest to the Pan American Union that it study, through such channels as it may deem necessary, the advisability of permitting the adherence of States which are not signatories of Conventions signed in the Pan American Conferences, and which are not members of the Pan American Union.

Pursuant to the above resolution, the Governing Board of the Pan American Union appointed a Committee to study and report on the subject. The report of the Committee, which was presented to the Board at a meeting held on May 2, 1934, was unanimously approved by the latter. It reads as follows:

A difference of opinion exists as to the nature, obligatory force and juridical value of accession and of adherence. In practice, however, these differences do not exist and the two terms are used interchangeably. The specific question submitted to the Committee is whether the treaties and conventions signed at the International Conferences of American States should be considered as open conventions to which other states non-members of the Union may become parties, or whether they should be considered as closed conventions in which the accession and adherence of other states are subordinate to the conditions set forth in the treaty or convention itself. This latter view appears the more desirable considering the character of the Pan American Conferences and of the international agreements negotiated and signed thereat. This opinion is in harmony with precedents established at Pan American Conferences. For example, the Additional Protocol to the treaties signed at the Congress of Montevideo, in 1888, provides as follows in Article 6:

"The Governments of the signatory states shall declare, on approving the treaties, whether they accept the adherence of states not invited to the Congress in the same form as that of those states which, although they have expressed their adherence to the idea of the Congress, did not take part in its deliberation."

In accordance with the foregoing consideration the Committee makes the following recommendations:

1. Treaties and conventions signed at the International Conferences of American States shall be open to the accession or adherence of the states, members of the Pan American Union, that may not have signed.

2. Treaties and conventions adopted at the International Conferences of American States shall be open to the accession or adherences of states, non members of the Union, when it is so stipulated in the instrument.

Though the Conventions on Nationality and Nationality of Women, of the Seventh International Conference of American

\textsuperscript{1}The following countries have notified the Pan American Union that they have appointed representatives of the Union: Brazil, Ecuador, Mexico, Nicaragua.

States, do not stipulate that non-American states may become parties, the Governing Board of the Pan American Union has recommended to the governments of the Union that these two instruments be opened to the adherence of such states, on the ground that the universal objectives of the two conventions justify an exception being made in their case to the second rule adopted by the Board on May 2, 1934.

**TOPIC 2**

**CONSIDERATION OF OTHER MEASURES TENDING TOWARD CLOSER ASSOCIATION OF THE AMERICAN REPUBLICS AND THEIR RELATION TO OTHER INTERNATIONAL ENTITIES**

During the first century of their independent existence, the Hispanic American nations held five congresses for the purpose of establishing closer relations. The first was held at Panama in 1826, and the others followed at Lima in 1848, at Santiago de Chile in 1856, at Washington in 1856, and at Lima in 1864. They constructed an inter-American system the main object of which was the organization and preservation of peace. The fundamental principles of this system may be stated as follows:

1. Continental juridical organization through the codification of international law and uniformity of private law.

2. Renunciation of wars of aggression and conquest.

3. A system of collective guaranty of territorial integrity, independence, political sovereignty, and national institutions; with the principle of non-intervention as a complementary formula to the system of guaranty.

4. Methods for the pacific settlement of international controversies: Conciliation; investigation; obligatory arbitration; collective mediation; consultation by the governments.

5. A system of sanctions of international obligations.

In 1821, Bolivar began the final preparations for the realization of his plan of an American confederation which he had announced in 1813 in his proclamation of Cartagena, and again in 1815 in his letter from Jamaica. The Liberator accredited plenipotentiaries to the governments of Latin America with the mission of unifying the opinion of the governments upon the bases of a vast plan of American international policy. The fundamental ideas of this plan were embodied in five treaties entered into by Great Colombia with Peru, on July 6, 1822; with Chile, on October
An additional protocol to these treaties contained agreements of great importance. In Article 1, the States agreed that, in order to strengthen the bonds of good will existing between them, and to eliminate any difficulties that might arise in the future, an assembly of plenipotentiaries was to be established in which each state would have two representatives. In Article 2 the parties bound themselves to offer their good offices with the other governments of Spanish America in the interest of the formation of the confederation. Article 3 stipulated the convening of a "general assembly, composed of two ministers plenipotentiary on the part of each party" with the object of establishing in the most concrete and stable manner possible the close relations of amity and good will that should exist between each and every one of the states. The assembly was to serve the confederated powers 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.

The preliminary negotiations for the confederation having been concluded by this series of treaties, and the fundamental basis of the future Hispanic American Union agreed upon, Bolívar sent invitations on December 7, 1824, to the American governments to attend the Congress of Panama.

The Congress of Panama, attended by representatives of Colombia, Central America, Peru, and Mexico, held its first session on June 22, 1826, and its last on July 15th of the same year. The plenipotentiaries signed a treaty of "Perpetual Union, League, and Confederation," which contained the following provisions:

1. Establishment of a perpetual pact of good will and confederation for the purpose of maintaining in common the sovereignty and independence of the confederated powers against foreign subjection.

2. Agreement to defend each other against all attacks which placed their political existence in danger. A separate convention established the land and naval forces which each party was to contribute for mutual defense.

3. Creation of an assembly of plenipotentiaries to serve the confederation as a body for the negotiation of treaties and conventions among the members of the Union, the maintenance of peace and good will among the confederated states, as a council in times of conflicts, as a point of contact in times of common danger, as an interpreter of the public treaties and conventions concluded by the parties, as a conciliator and mediator in case of differences among the states of the confederation or between any one or more of the confederated states and any power not a member of the Union, and to negotiate treaties of alliance between the confederation and other powers in case of common wars. The assembly also had consultative functions in that it was obliged to give an opinion on a matter of importance whenever requested by a member of the Union.

4. Agreement to settle all differences through peaceful means. The assembly of plenipotentiaries was empowered to deal with disputes between the states, but its decision was to be obligatory only in case the parties agreed to that effect beforehand. War could be declared only after the assembly had an opportunity to render a decision on the merits of the dispute. No member of the confederation could declare war against a non-member without first requesting the mediation and good offices of the other nations of the Union. Should this recourse give no result, the other nations of the confederation were to declare whether they would take common action with the state of the Union involved in the controversy.

5. Provision for sanctions against any state of the confederation violating the obligations incumbent upon it to exhaust all peaceful recourses before declaring war, or that would not comply with the decision of the assembly after having agreed to accept its decision as final and obligatory. The guilty state was to be banished from the confederation, and it could not be re-admitted without the unanimous vote of all the members of the Union.

6. Guaranty of the territory and sovereignty of the members of the confederation against all attempts to colonize or to establish settlements by foreign powers without the consent of the state whose territory was involved. The parties likewise mutually guaranteed the integrity of their territories within the limits to be established by special boundary conventions. The boundaries once established, the territorial integrity of each state was to be under the protection of the confederation.

The treaty also had stipulations relative to the abolition of the slave trade, granting of citizenship to the nationals of the members of the confederation, exclusion from the Union of any state changing the essential form of its government, abolition of privateering, and common measures against the depredations committed by pirates.

In an additional article, the contracting states pledged themselves to the task of codifying international law.

As the treaty of the Congress of Panama was ratified by only one signatory, Colombia, it did not come into effect, but the principles it incorporated profoundly influenced international life in America and served as the bases of the deliberations of the Hispanic American conferences held in 1848, 1856, and 1864.

In 1847 the Government of Peru invited the governments of Hispanic America to a conference at the city of Lima. New Granada, Ecuador, Peru, Bolivia and Chile sent representatives, and the first session was held on December 11, 1847, and the last on March 1, 1848. Two treaties were concluded at this conference, one on confederation and the other on commerce.

In addition to providing for a confederation similar to the one established in the Treaty of 1826, the treaty on confederation of 1848 stipulated the following:
1. Mutual defense against any attempt by a non-American state to alter the institutions of the confederated states, and non-recognition of the occupation or acquisition by a foreign power of the territory of an American state.

2. Affirmation of the doctrine of the uti possidetis of 1810—the confederated republics recognized in each other the right to their respective territories within the limits of the vice-royalties and captaincies general existing at the moment of their independence.

3. Any readjustment of the territorial status would have to receive the approval of the confederation.

4. Renunciation of war: Good offices, conciliation, investigation, mediation, and arbitration, obligatory and without reservations, were adopted as means of settling disputes.

5. Sanctions: Any state violating the obligations not to resort to war was to be excluded from the confederation and the other members were to take all the necessary measures to induce obedience to the pact.

6. Principle of non-intervention: The parties were not to interfere in the internal affairs of any member of the confederation, nor permit the preparation of plans in their territories designed to disturb the peace of a signatory state.

The year 1856 witnessed the meeting of two Hispanic American political congresses, one at Santiago, Chile, and the other at Washington. These congresses continued the labor of organizing peace in Hispanic America begun by the congresses of 1826 and 1848.

The Congress at Washington was attended by representatives of Mexico, Guatemala, El Salvador, Costa Rica, New Granada, Peru, and Venezuela. The Congress at Santiago was attended by representatives of Chile, Ecuador, and Peru. On September 15, 1856, a “Continental Treaty of Union of American States” was signed at Santiago, and on November 9th of the same year, a treaty of “Alliance and Confederation” was adopted by the Conference at Washington.

The treaty approved by the Congress at Santiago contained a provision to the effect that when a state thought itself offended or harmed by another, it was to present an exposition of the reasons for its complaint, supported by evidence, and that resort to war was not to be made without first exhausting all peaceful resources. Both the treaty of Washington and that of Santiago provided that the contracting states were not to cede any part of their territories to a foreign power. The treaty of Washington also stipulated that the acts of an authority established in an American state with the aid of a foreign power were to be considered as acts of usurpation, and the parties mutually guaranteed their independence, sovereignty, and integrity of territories. The treaty of Santiago also provided that the parties would prevent the organization of expeditions within their territories which had designs against the peace of another American State.

These treaties did not come into force, and on November 15, 1864, the fifth and last political congress of the Hispanic American states was held at Lima, Peru. It was attended by delegates from Bolivia, Chile, Colombia, Ecuador, El Salvador, and Venezuela, and by a representative of Argentina. On January 28, 1865, two treaties were signed, one for the “Preservation of Peace,” and the other on “Union and Defensive Alliance.”

In the treaty for the “Preservation of Peace,” the parties agreed not to resort to war to settle their differences, including those arising out of the question of boundaries. Should any signatory state decline to submit the controversy to arbitration, the other countries were jointly to proffer their good offices. In the treaty of “Union and Defensive Alliance,” the contracting states bound themselves to strengthen the union; guaranteed the integrity of their territories, form of government, and political organization; agreed to promote their common interests, to defend themselves against any attempt to establish a protectorate or to force an allied nation to sell or cede part of its territory; and, finally, they bound themselves not to grant any right in or to part with any portion of their territory to another power.

On May 10, 1865, the delegates of Chile, Ecuador, and Bolivia, and on October 3rd of the same year, the delegates of Bolivia, Chile, and Peru, met in Lima and signed the treaties. These treaties also failed to come into force.

In 1923, Dr. Baltasar Brum, then President of Uruguay, published a draft project of an “Association of the American Nations.” The fundamental principles of the Association were the following:

1. All conflicts of an international character should be settled by arbitration, commissions of investigation, or the friendly mediation of other nations. Any member state may call the attention of the Assembly or the Council of the Association to any circumstance which might affect the peace of the contracting parties.

2. The Association considers as dangerous to its peace and security any attempt by a non-American state to extend its dominion in any form on the American Continent, and any offense committed by a non-American state against a member of the Association is a matter of concern to the Association and will call for mediation by the latter.

3. The refusal of a member to settle a dispute through peaceful means or to respect the decisions adopted by the Assembly or the Council of the Association is an obligation from any member under the foregoing provision.

4. Any war or threat of war anywhere which either directly or indirectly affects a member of the Association is a matter of concern to the Association, and, consequently, the latter will take steps to preserve the peace.
5. The independence of the American states implies the following: (a) that denial of justice is the only ground upon which diplomatic intervention may be based; (b) that jus soli is the law which governs in the determination of nationality, except where a person, finding himself in the country of his parents on attaining majority, elects the nationality of his parents.

7. The preservation of peace requires the elimination of all competition in armaments and their reduction to the point required for national security and the execution of international obligations required by collective action.

8. Mutual respect for the territorial integrity and political independence of the confederated nations.

9. Sanctions: Exclusion from the Association of the state violating its obligations under the treaty, termination of diplomatic, commercial, financial, and postal relations, and common action in aid of the state attacked by a declared aggressor.

The project also provided for an assembly, composed of representatives of all the American countries, a council of nine members, and a secretary general, elected by the Assembly. The council was empowered to formulate a program of reduction of armaments and to act as a conciliator and arbiter in disputes between the associated nations. In case of a violation of its obligations by an associated power, the council could recommend that the state be excluded from the Association, and in the event a member state refused to settle a dispute through peaceful means and resorted to war, the Council could recommend the steps the parties should take in common against such a state.

CHAPTER II
NEUTRALITY

TOPIC 3
CONSIDERATION OF THE RULES REGARDING THE RIGHTS AND DUTIES OF NEUTRALS AND BELLIGERENTS

At the outbreak of the World War in 1914, the rules regarding the rights and duties of neutrals and belligerents had been to a large extent codified in three multilateral instruments: The Hague Convention (V) of 1907 “Respecting the Rights and Duties of Neutral Powers and Persons in Case of War on Land”; the Hague Convention (XIII) of 1907 “Concerning the Rights and Duties of Neutral Powers in Naval War”; and the Declaration of London of 1909 “Concerning the Laws of Naval War”.

By 1914, twenty-eight countries (ten of them American) had become parties to the Hague Convention Number V; twenty-five (eight of them American) to the Hague Convention Number XIII, while the Declaration of London had not been ratified by a single country, though the principles it formulated were considered by general consensus to be declaratory of existing law on the subject of naval warfare.

During the World War, the proclamations of neutrality of the countries of America were based upon the principles found in the three above-named multilateral instruments. In the majority of cases the Hague Conventions were referred to specifically by name, even by countries not parties to the conventions.

In only two instances was there a departure from the rules laid down in the Hague conventions. The first modification in these rules was made by Chile. At the outbreak of the war, the Chilean Government declared that the rules to be observed by the Chilean authorities were to be those established by the Second Conference of the Hague, even though the conventions had not been ratified by Chile “it being understood that they (the rules of Convention XIII) are declaratory of the principles of international law universally recognized.” However, in a decree of December 15, 1914,
taking effect on January 1, 1915, the Government modified articles 19 and 20 of the Hague Convention No. XIII, which establish that belligerent warships can take on fuel in neutral ports in sufficient quantities to carry them to the nearest home port but may not refuel in a port of the same power within a period of three months, by the following rules:

1. In the future the supplies of coal which vessels of war of belligerent nations can take successively in Chilean ports should not exceed the quantity necessary for reaching the first coaling station of a neighboring country.

2. In case of violation by a merchant vessel of any of the rules on the observance of neutrality adopted by the Government of the Republic, no more fuel will be allowed in Chilean ports to any vessel of the company to which the vessel committing the offense belongs.

3. Vessels interned by the decision of the Government because of a violation of neutrality and those whose proprietors manifest the intention of retaining them in the Chilean ports until the end of the war will be concentrated in the Chilean ports which the administrative authority shall determine in each case.

4. The amount of coal which may be delivered in the ports of the Republic to merchant vessels will be limited to the capacity of their ordinary coal bunkers, unless they desire to make a voyage directly toward some European port, in which case they will be given the quantity of coal necessary for this voyage provided the company to which the vessel belongs furnishes a guaranty sufficient in the judgment of the Government, that the fuel will be used only to complete the voyage in question.

The second modification in the Hague rules of neutrality was made by Uruguay, in a decree of June 18, 1917, by which it was established that “no American country which in defense of its own rights should find itself in a state of war with nations of other continents will be treated as a belligerent” by Uruguay. This doctrine was received with approval by a large number of American countries.

In its neutrality regulations of August 4, 1914, Brazil prohibited the exportation of arms and ammunitions of war from Brazil, under the Brazilian flag, or that of any other nation, to any port of a belligerent nation.

After July 1914, and following the measures taken by the belligerents to prevent the free movement of goods, many European neutrals prohibited the export of articles which might aid a neighboring belligerent state. Such countries as Denmark, Netherlands, Norway, Sweden, and Switzerland, adopted embargoes on a wide range and variety of articles, including ammunitions and arms.

In addition, the Netherlands, Norway, Sweden, Denmark, and Spain denied the right of belligerent warships or submarines, and sometimes both, to enter their ports to make repairs and to take

on supplies, except in case of force majeure. This was a distinct departure from the Hague rules, which recognize this right.

In 1928, at the Sixth International Conference of American States, a Convention on Maritime Neutrality1 was signed which reproduced substantially the rules of the Hague Convention of 1907 concerning the Rights and Duties of Neutral Powers in Naval War. The innovations upon and additions to the rules of the Hague convention were designed to remedy some of the defects in the latter convention which were made manifest by the experiences of the World War. In particular, the rules regulating the exercise of the right of stoppage and visit of submarines and warships and the right of belligerent warships to enter neutral ports to revictual, refuel and make repairs were redefined and made more strict, and belligerent airships were prohibited from flying above the territory or the territorial waters of neutrals.

When Paraguay on May 10, 1933, declared that a state of war existed between herself and Bolivia, the neighboring countries immediately declared their neutrality. Argentina and Chile on May 13th, and Peru on May 14th, declared that their conduct as neutrals would be governed by the rules set forth in the Hague conventions of 1907; Peru and Chile added that the rules of the Declaration of London of 1909 would also apply. On May 23rd, Brazil declared her neutrality, formulating regulations which in general followed the rules of the Hague and of the Declaration of London.

When in May 1934, the Council of the League of Nations asked the governments if they were prepared to prohibit the exportation of arms and munitions to Bolivia and Paraguay, the United States, Argentina, and Brazil replied that they had already adopted, independently of action by other countries, such embargoes.

On August 24, 1935, the Congress of the United States passed a law which prohibited the export of “arms, ammunitions, or implements of war” from the United States to any port of a belligerent state, or to any neutral port for trans-shipment to, or for the use of a belligerent country. The President was instructed, upon the outbreak or during the progress of war between, or among two or more foreign states, to proclaim the existence of a state of war, and to enumerate the articles the exportation of which was to be prohibited.

1 See Appendix O for text, page 117.
The law further provided that when the President had proclaimed that a state of war existed, it would be unlawful for any American vessel to carry any arms, ammunition, or implements of war to the belligerents. These provisions were to expire February 29, 1936. The President was also empowered to regulate and if need be prevent the shipment from American ports of men, fuel, arms, and other supplies to warships, tenders, and supply ships of a belligerent nation. The President was likewise authorized to fix the conditions under which submarines of a foreign nation (not necessarily a belligerent), may use American ports and territorial waters and to proclaim that American citizens traveling as passengers on ships of belligerents do so at their own risk.

The provisions of the law in so far as they related to the prohibition of the export of arms, ammunition and implements of war were mandatory upon the President; the enforcement of the other provisions was made optional with the President.

On October 5, 1935, President Roosevelt issued two proclamations declaring that a state of war existed between Italy and Ethiopia and that the provisions of the law of August 24th were to be in force in regard to that conflict. Simultaneously with the publication of the first proclamation, the President issued a statement through the Department of State which, after referring to the situation between Italy and Ethiopia, concluded with the warning that “in these specific circumstances I desire it to be understood that any of our people who voluntarily engage in transactions of any character with either of the belligerents do so at their own risk.”

Subsequent declarations of the President and the Secretary of State pointed to a strong desire on the part of the Government of the United States to restrict trade activities with the belligerents to normal peace-time levels.

On February 29, 1936, the Congress of the United States extended the life of the Act of August 31, 1935, to May 1, 1937, and declared that, following the proclamation of the President of the existence of a state of war, it would be unlawful for any person in the United States to purchase, sell or exchange bonds, securities or other obligations of the government of any belligerent country or to make any loan or extend any credit to any such government. The President was empowered to except from the operation of this provision ordinary commercial credits and short time obligations in aid of legal transactions and of a character customarily used in normal peace-time commercial transactions, when he considered such action would serve to protect the commerce or other interests of the United States or its nationals.

The revised act also provided that “This Act shall not apply to an American republic or republics engaged in war against a non-American state or states, provided the American republic is not cooperating with a non-American state or states in such war.”
CHAPTER III
LIMITATION OF ARMAMENTS

NECESSITY OF LIMITING THE ORGANIZATION AND ARMAMENTS OF NATIONAL DEFENSE, SO AS TO GUARANTEE INTERNAL SECURITY OF THE STATES AND THEIR DEFENSE AGAINST FOREIGN AGGRESSION

The following data on the military and naval organizations of the republics of the American continent is based on the information contained in the "Armaments Yearbook" for the year 1935, published by the League of Nations.

ARGENTINA

<table>
<thead>
<tr>
<th>Area</th>
<th>7,782,113 square kilometers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of land frontier</td>
<td>3,816 kms.</td>
</tr>
<tr>
<td>Coastline</td>
<td>4,064 kms.</td>
</tr>
</tbody>
</table>

**ARMY**

<table>
<thead>
<tr>
<th>Number</th>
<th>Officers</th>
<th>2,982</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-commissioned officers and men</td>
<td>29,250</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>32,232</td>
<td></td>
</tr>
</tbody>
</table>

**NAVY**

Summary Table of Naval Units (1934)

<table>
<thead>
<tr>
<th>Number</th>
<th>Battleships</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cruisers</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Destroyers</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Submarines</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>20</td>
<td>109,621</td>
</tr>
</tbody>
</table>

**ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE**

(Average exchange value of paper peso in U.S. currency: 1934, $3.40; 1935, $3.20)

<table>
<thead>
<tr>
<th>Department of War</th>
<th>1934 Paper pesos</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1935 Paper pesos</td>
</tr>
<tr>
<td>Construction</td>
<td>2,600,000</td>
</tr>
<tr>
<td>Special law on armaments</td>
<td>6,500,000</td>
</tr>
<tr>
<td>Total</td>
<td>8,500,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department of the Navy</th>
<th>1934 Paper pesos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>4,570,000</td>
</tr>
<tr>
<td>Special law on armaments</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Total</td>
<td>7,070,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grand total</th>
<th>15,700,000</th>
</tr>
</thead>
</table>

CHILE

<table>
<thead>
<tr>
<th>Area</th>
<th>741,767 square kilometers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>4,967,850</td>
</tr>
</tbody>
</table>

**ARMY**

Effective for 1934

<table>
<thead>
<tr>
<th>Number</th>
<th>Officers</th>
<th>1,620</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent cadets (1932)</td>
<td>7,660</td>
<td></td>
</tr>
<tr>
<td>Conscript (1932)</td>
<td>4,460</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>13,740</td>
<td></td>
</tr>
</tbody>
</table>

**NAVY**

Summary Table of Naval Units (1934)

<table>
<thead>
<tr>
<th>Number</th>
<th>Battleships</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cruisers</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Destroyers</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>Submarines</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>18</td>
<td>11,829</td>
</tr>
</tbody>
</table>

**ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE**

(Average exchange value of peso in U.S. currency: 1934, $3.30; 1935, $3.35)

<table>
<thead>
<tr>
<th>Department of War</th>
<th>1934 Paper pesos</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1935 Paper pesos</td>
</tr>
<tr>
<td>Construction</td>
<td>4,500,000</td>
</tr>
<tr>
<td>Special law on armaments</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Total</td>
<td>7,000,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Department of the Navy</th>
<th>1934 Paper pesos</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction</td>
<td>4,500,000</td>
</tr>
<tr>
<td>Special law on armaments</td>
<td>2,500,000</td>
</tr>
<tr>
<td>Total</td>
<td>7,000,000</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Grand total</th>
<th>14,000,000</th>
</tr>
</thead>
</table>

COLOMBIA

<table>
<thead>
<tr>
<th>Area</th>
<th>1,235,214 square kilometers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>8,645,650</td>
</tr>
</tbody>
</table>

**ARMY**

Effective for 1934

<table>
<thead>
<tr>
<th>Number</th>
<th>Officers</th>
<th>834</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-commissioned officers and men</td>
<td>11,125</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>11,159</td>
<td></td>
</tr>
</tbody>
</table>

**NAVY**

Summary Table of Naval Units (1934)

<table>
<thead>
<tr>
<th>Number</th>
<th>Destroyers</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Gunboats</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Miscellaneous (patrol vessels, transports, etc.)</td>
<td>14</td>
</tr>
<tr>
<td>Total</td>
<td>21</td>
<td></td>
</tr>
</tbody>
</table>

---

1 Where exchange control is in effect in the countries listed in this section, the official exchange rate has been used; otherwise the ordinary rate for commercial transactions.

---

The effective of the Bolivian army for the years 1926, 1927 and 1928 (officers and men) amounted to 6,000 men. Information and statistics on the standing army during recent years are not available, owing to the extraordinary conditions that have prevailed.

---

For the maintenance of peace, 39

BRAZIL

<table>
<thead>
<tr>
<th>Area</th>
<th>8,524,747 square kilometers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Length of land frontier</td>
<td>12,000 kms.</td>
</tr>
<tr>
<td>Population</td>
<td>44,682,005</td>
</tr>
</tbody>
</table>

**ARMY**

Budgetary effective for 1934 and 1935

<table>
<thead>
<tr>
<th>Number</th>
<th>Officers</th>
<th>5,704</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-commissioned officers, corporals and other ranks</td>
<td>72,544</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>78,248</td>
<td></td>
</tr>
</tbody>
</table>

**NAVY**

Summary Table of Naval Units (1934)

<table>
<thead>
<tr>
<th>Number</th>
<th>Battleships</th>
<th>2</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cruisers</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>Destroyers</td>
<td>9</td>
</tr>
<tr>
<td></td>
<td>Submarines</td>
<td>1</td>
</tr>
<tr>
<td>Total</td>
<td>15</td>
<td>54,725</td>
</tr>
</tbody>
</table>

**ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE**

(Average exchange value of milreis in U.S. currency: 1934, $0.58; 1935, $0.60)

| Ministry of War | 390,890,000 |
| Ministry of Marine | 230,200,000 |
| Total | 621,090,000 |

---

For the maintenance of peace, 39
ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE
(Average exchange value of peso in U. S. currency: 1934, $1.60; 1933, $.60)

1934 Ministry of War
6,000,000
18,490,000

COSTA RICA
Area: 50,570 square kilometers Population: 565,427
The effectives of the regular army (infantry and artillery) for 1933 were 56 officers and 250 of other ranks. The maximum strength of the armed forces which the Executive might keep with the colonos in time of peace was fixed for the year 1935 at 599 men.

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE
(Average exchange value of colon in U. S. currency: 1934, $3.90; 1933, $.30)
1933 Colóns 1934
Ministry of War, Marine, and Aviation 2,800,000 2,800,000

CUBA
Area: 114,385 square kilometers Population: 5,888,150

ARMY
Budgetary Effectives for 1934
Officers: 760
Non-commissioned officers: 1,147
Other ranks: 9,778
Total: 11,685

NAVY
Summary Table of Naval Units (1934)
Number Tonnage
Cruisers: 2 3,255
Gunboats: 12 2,161
Total: 14 5,416

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE
(Average exchange value of peso in U. S. currency: 1934, $1.09; 1935, $1.60)
1933-34 Pesos 1934-35
Ministry of War and Marine 7,300,000 12,260,000

DOMINICAN REPUBLIC
Area: 48,720 square kilometers Population: 1,478,121

ARMY
Effectives for 1932
Officers: 179
Enlisted men: 1,200
Total: 1,379

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE
(Average exchange value of peso in U. S. currency: 1934, $.90; 1935, $1.00)
1934 Pesos 1935
National Army: 1,200,000 1,440,000

EQUADOR
Area: 272,444 square kilometers Population: 2,554,744

ARMY
Budgetary Effectives for 1934
Officers: 565
Non-commissioned officers: 465
Corporals and other ranks: 2,761
Total: 4,791

NAVY
Summary Table of Naval Units (1934)
Number
Gunboat: 1

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE
(Average exchange value of sucres in U. S. currency: 1934, $1.00; 1935, $.60)
1934 Sucres 1935
Ministry of War, Marine and Aviation: 8,800,000 10,890,000

FOR THE MAINTENANCE OF PEACE

EL SALVADOR
Area: 24,126 square kilometers Population: 1,592,253

ARMY
Budgetary Effectives for 1933
Officers: 518
Non-commissioned officers: 223
Other ranks: 2,576
Total: 3,317

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE
(Average exchange value of colon in U. S. currency: 1934, $.39; 1935, $.30)
1933-34 Colóns 1934-35
Ministry of War, Marine, and Aviation: 2,900,000 3,080,000

GUATEMALA
Area: 125,071 square kilometers Population: 2,366,682

ARMY
Budgetary Effectives for 1934
Officers: 5,863
Aviation corps, officers and men: 27
Total: 3,590

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE
(Average exchange value of quetzal in U. S. currency: 1934, $1.00; 1935, $.60)
1933-34 Quetzales 1934-35
Ministry of War: 1,800,000 1,860,000

HAITI
Area: 26,418 square kilometers Population: 3,000,000

ARMY (Constabulary)
Budgetary Effectives for 1932
Officers: 188
Non-commissioned officers: 188
Corporals and other ranks: 2,188
Total: 3,444

Estimate of Budget for the Maintenance of Peace
(Average exchange value of gourde in U. S. currency: 1934, $.27; 1935, $.20)
1933-34 Gourdes 1934-35
Constabulary, coast guard, etc.: 5,990,000 5,600,000

HONDURAS
Area: 126,600 square kilometers Population: 982,445

ARMY
Effectives for 1934
Officers: 226
Non-commissioned officers and men: 1,251
Total: 1,477

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE
(Average exchange value of lempira in U. S. currency: 1934, $.40; 1935, $.40)
1933-34 Lempiras 1934-35
Ministry of War, Marine, and Aviation: 1,300,000 1,500,000

MEXICO
Area: 1,965,153 square kilometers Population: 16,552,722

ARMY
Budgetary Effectives for 1933
Officers: 8,821
Non-commissioned officers: 3,912
Other ranks: 48,615
Total: 53,348
NAVY
Summary Table of Naval Units (1934)  
Number  
Cruisers ........................................... 1  
Submarines ......................................... 6  
Miscellaneous (river gunboats, training ships) 5  
Total ................................................ 16  

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE  
(Average exchange value of peso in U. S. currency: 1934, $1.25; 1935, $1.26)  
1934: Peso 1035  
Ministry of War .................................... 14,390,000  
Ministry of Marine ................................ 7,250,000  
Total ................................................ 21,640,000  

UNITED STATES OF AMERICA  
Area .................................................. 9,562,443 square kilometers  
Population ......................................... 142,587,000  

ARMY  
Effective for the Year 1934  
Officers ............................................ 17,270  
Total effective .................................... 187,070  

NAVY  
Summary Table of Naval Units (1935) (in service or building)  
Number  
Capital ships (battleships) ................................ 9  
Aircraft carriers .................................... 5  
Cruisers ............................................. 15  
Destroyers .......................................... 369  
Submarines ......................................... 91  
Total .................................................. 499  

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE  
1934-35 Dollars 1923-24  
War Department (excluding non-military activities):  
Ordinary expenditures ................................ 256,700,000  
Emergency expenditures .............................. 43,200,000  
Navy Department:  
Ordinary expenditures ................................ 343,800,000  
Emergency expenditures ............................. 149,200,000  
Total Ordinary Expenditures ....................... 693,000,000  
Total Emergency Expenditures ...................... 292,400,000  
Grand Total ........................................ 985,400,000  

URUGUAY  
Area .................................................. 184,300 square kilometers  
Population ......................................... 1,970,000  

ARMY  
Budgetary Effective for 1934  
Officers ............................................. 891  
Non-commissioned officers 1,148  
Corporals and other ranks 6,563  
Total ................................................ 7,511  

NAVY  
Summary Table of Naval Units (1934)  
Number  
Torpedo-Gunboats .................................. 1  
Miscellaneous (Training ship, gunboats, tugs) ... 4  
Total .................................................. 5  

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE  
(Average exchange value of peso in U. S. currency: 1934, $1.30; 1935, $1.40)  
1934: Peso 1035  
Ministry of War and Marine 18,190,000  
Ministry of Marine 8,100,000  
Total 26,290,000  

NICARAGUA  
Area .................................................. 137,485 square kilometers  
Population ......................................... 660,000  

ARMY (National Guard)  
Effective for 1934  
Officers ............................................. 178  
Total .................................................. 2,404  

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE  
(Average exchange value of coroada in U. S. currency: 1932, $1.00; 1933, $1.00)  
1931-32 Coroada 1932-33  
Ministry of War and Marine 99,669  
National Guard 1,277,160  
Total ................................................ 1,376,829  

PANAMA  
Area .................................................. 88,500 square kilometers  
Population ......................................... 521,450  

ARMY (National Police)  
Effective for 1933  
Officers ............................................. 1,468  
Total .................................................. 1,468  

ESTIMATED BUDGET EXPENDITURE ON NATIONAL DEFENSE  
(Average exchange value of balboa in U. S. currency: 1932, $1.00; 1933, $1.00)  
1932-33 Balboa 1933-34  
National Army 27,040  
National Police 1,100,000  
Total ................................................ 1,127,040  
(Budget of Panama covers biennial periods.)  

PARAGUAY  
Area .................................................. Undetermined  
The effective of the Paraguayan army for 1927-28 were 100 officers and 2,099 non-commissioned officers and men. Information and statistics on the standing army during recent years are not available, owing to the extraordinary conditions that have prevailed.  

PERU  
Area .................................................. 1,578,369 square kilometers  
Population ......................................... 6,147,000  

ARMY  
Budgetary Effective for 1934  
Officers ............................................. 1,185  
Non-commissioned officers 937  
Corporals and other ranks 6,563  
Total ................................................ 9,645  

NAVY  
Summary Table of Naval Units (1934)  
Number  
Cruisers ............................................ 2  
Destroyers .......................................... 8  
Total .................................................. 10
VARIOUS TREATIES AND CONVENTIONS FOR THE LIMITATION OF ARMAMENTS AND FOR THE ESTABLISHMENT OF DEMILITARIZED ZONES HAVE BEEN ENTERED INTO BETWEEN STATES OF THE AMERICAN CONTINENT. THESE AGREEMENTS AND THE PROVISIONS THEREOF MAY BE SUMMARIZED AS FOLLOWS:

**UNITED STATES AND CANADA:** One of the earliest agreements of this character was that concluded by an exchange of notes at Washington on April 28-29, 1817, between the United States and the United Kingdom concerning the naval force to be maintained on the Great Lakes. By the terms of the agreement the naval force of each party was to be confined to one vessel on Lake Ontario, two vessels on the Upper Lakes, and one vessel on Lake Champlain; each vessel not to exceed one hundred tons burden, and armed with one eighteen-pound cannon. All other armed vessels were to be dismantled, and no other vessels of war were to be built or armed.

**ARGENTINA AND CHILE:** In the treaty between the Argentine Republic and Chile defining the boundaries between the countries, signed at Buenos Aires on July 23, 1881, Article 5 stipulated as follows: “The Straits of Magellan are neutralized forever and free navigation is guaranteed to the flags of all nations. To insure this liberty and neutrality no fortifications or military defenses shall be erected that could interfere with this object.”

**ARGENTINA AND CHILE:** A further agreement between the Argentine Republic and Chile for the limitation of naval armaments was embodied in a convention between the two countries signed at Santiago on May 28, 1902. By the terms of the convention, the two governments undertook not to acquire the vessels of war in course of construction, or to make new acquisitions; they further agreed to reduce their respective fleets, and to this end to continue to exert themselves until they arrived at an understanding which should establish a just balance of strength between their respective fleets. The two governments further agreed not to increase without previous notice their naval armaments during five years—the one intending to make an increase to give the other eighteen months’ notice. Coast fortifications and ports, but not floating equipment for their defense, were excluded from the agreement. **CENTRAL AMERICAN STATES:** At the Central American Conference at Washington in 1923, a convention was signed for the limitation of armaments between the republic of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica. The pertinent articles of this convention are as follows:

**ARTICLE I**

The Contracting Parties, having taken into consideration their relative population, area, extent of frontiers and various other factors of military importance, agree that for a period of five years from the date of the coming into force of the present Convention they shall not maintain a standing army and national guard in excess of the number of men hereinafter provided, except in case of civil war or impending invasion by another State:

- Guatemala ................................................................................. 5,500
- El Salvador ................................................................................ 4,200
- Honduras .................................................................................. 2,500
- Nicaragua .................................................................................. 2,500
- Costa Rica .................................................................................. 2,000

General officers and officers of a lower rank of the standing army, who are necessary in accordance with the military regulations of each country, are not included in the provisions of this article, nor are those of the national guard. The police force is also not included.

**ARTICLE III**

The Contracting Parties undertake not to export or permit the exportation of arms or munitions or any other kind of military stores from one Central American country to another.

**ARTICLE IV**

None of the Contracting Parties shall have the right to possess more than ten war vessels. Neither may any of them acquire war vessels; but armed coastguard boats shall not be considered as war vessels.

The following cases shall be considered as exceptions to this article: civil war or threatened attack by a foreign State; in such cases the right of defense shall have no other limitations than those established by existing treaties.

**ARTICLE V**

The Contracting Parties consider that the use in warfare of asphyxiating gases, poisons or similar substances, as well as analogous liquids, materials or devices, is contrary to humanitarian principles and to international law, and obligate themselves by the present Convention not to use such substances in time of war.

**THE DOMINICAN REPUBLIC AND HAITI:** The treaty of peace, friendship, and arbitration signed on February 20, 1929, between the Dominican Republic and Haiti stipulated that the two parties would not erect on their respective territories within the limit of
ten kilometers from the frontier any fortification or other military works.

*Chile and Peru:* In the agreement for the settlement of the dispute regarding Tacna and Arica, the governments of Chile and Peru signed a supplementary protocol at Lima on June 3, 1929, stipulating that the fortifications on the Morro at Arica should be dismantled.

The subject of the reduction and limitation of military and naval expenditures was on the program of the Fifth International Conference of American States, which met at Santiago in 1923. At that time, the Conference adopted a resolution consisting of five agreements, the principal provisions of which were as follows:

1. A declaration to maintain peace and condemning armed peace which increases military and naval forces beyond the requirements of internal security and the sovereignty and independence of states.
2. Recommending adherence to the Hague convention for the pacific settlement of international conflicts, and to measures for the prevention of war.
3. A recommendation that the governments interested take up with each other the study of the question of their respective armaments.
4. Recommending adherence to the provisions of Treaty No. 1, concluded at Washington February 6, 1922, in so far as it provides that (a) no power shall acquire any capital ship in excess of 35,000 tons displacement nor any airplane carrier in excess of 27,000 tons, and (b) that no capital ships shall carry a gun more than 16 inches in caliber.
5. Recommending adherence to those international conventions limiting military hostilities, fixing the usages of war, rights and duties of neutrals, etc., and also a declaration of the Governments concerned that the provisions of articles 1, 2, 3, 4, and 5 of the Washington treaty of February 6, 1922, relating to the capture, attack, and the destruction of merchant ships and the employment of submarines are an established part of international law; recommending also the prohibition of the use of asphyxiating or poisonous gases and analogous liquid material or devices as indicated by the Washington treaty; and, finally, recommending the restriction of aerial hostilities to legitimate war purposes to assure respect of unprotected populations and cities.

**CHAPTER IV**

**JURIDICAL PROBLEMS**

**TOPIC 5**

**CONSIDERATION OF METHODS FOR THE FUTURE CODIFICATION OF INTERNATIONAL LAW**

The present method for the codification of international law on the American Continent is embodied in the resolution adopted at the Seventh International Conference of American States. In accordance with the provisions of the resolution the Governing Board of the Pan American Union proceeded with the formation of the Commission of Experts on Codification. As a result of the votes cast by the Governments, members of the Union, the following members were declared elected:

- Dr. Victor M. Maúrtua, of Peru
- Dr. Alberto Cruchaga Ossa, of Chile
- Dr. Carlos Saavedra Lamas, of Argentina
- Dr. Luis Anderson Murua, of Costa Rica
- Dr. Eduardo Sáurez, of Mexico
- Dr. Afranio de Mello Franco, of Brazil
- Mr. J. Reuben Clark, of the United States of America.

Should any of the foregoing be unable to accept membership, the following were designated to serve as alternates in the order named:

- Dr. Edward M. Borcherdt, of the United States of America
- Dr. Epitacio Pessoa, of Brazil
- Dr. Raul Fernandes, of Brazil
- Dr. Cosme de la Torriente, of Cuba
- Dr. Celestino Farrera, of Venezuela
- Dr. Rodrigo Octavio, of Brazil
- Dr. Teofilo Piñeyro Chaim, of Uruguay
- Dr. Adrián Recinos, of Guatemala.

The Governing Board of the Pan American Union has designated April 5, 1937, as the date on which the Commission of Experts should meet at the Union, as provided in the resolution. The date originally fixed was November 16, 1936, but this date was subse-
quently changed to avoid possibility of a conflict between the meet-
ing of the Commission and the Inter-American Conference for the Maintenance of Peace.

The full text of the resolution of the Montevideo Conference is as follows:

The Seventh International Conference of American States:

CONSIDERING: That the codification of international law must be gradual and progressive, it being a vain illusion to think for a long time of the possibility of carrying it out completely;

That, without prejudice to the work already accomplished in the International Conferences of American States, the task of gradual and progressive codification must be done by Jurists specializing in international law, who should be provided in the decisive meetings with pleni-potentiary powers to sign treaties;

That it is indispensable, if it is desired to do practical work with actual results, to seek the conjunction of the juridical viewpoints, theoretical and universal in essence, with the political viewpoints, positive and localistic by nature;

That in this connection the necessity of coordinating this work with the work of codification being done by the League of Nations must be taken into account as far as possible, since international law tends to universalize its rules as the interdependence of the civilized community becomes more and more confirmed and consolidated;

That to this end it is necessary to create a special organization for the preparatory work with the purpose of fixing the basic elements for the gradual and progressive elaboration of international law;

RESOLVES:

1. There is maintained the International Commission of Jurisconsults, created by the Third International American Conference, with the mission of bringing about the gradual and progressive codification of international public law and international private law. This Commission will be composed of jurists named by each government.

2. Each government of the American republics will create respectively a national commission of codification of international law. This Conference considers that these commissions shall be made up of qualified officials or ex-officials from the respective Foreign Office, and by professors or jurists who are specialists in international law. Each commission shall act through the channel of the respective Foreign Office.

3. There shall be created a Commission of Experts with the duty of organizing with a preparatory character, the work of codification. This Commission shall be composed of seven jurists chosen as follows:

   Each of the twenty-one governments shall send to the Pan American Union a list of not to exceed five persons having the same qualifications as the members of the national commissions provided for in Article 2 hereof. The Pan American Union shall transmit all these different lists to the governments. Once the definite lists are made up, each government shall designate from said lists seven persons, of which only two shall be nationals, whom they desire to constitute the Commission of Experts, communicating its choice to the Pan American Union.

   If, after three months, a government has not submitted its list of candidates, the thirty-first day of the Pan American Union will proceed to form the final list with its names received to date. The seven persons who obtain the highest number of votes shall constitute the first Commission of Experts. In case of a tie the Governing Board shall decide it by lot. It is understood, however, that the Commission of Experts, however chosen or elected, must always contain at least one person representing each of the two great systems of jurisprudence of this hemisphere.

4. The persons elected pursuant to the foregoing provisions shall hold office until the end of the first session of the International Commission of Jurisconsults.

The International Commission of Jurisconsults shall at its first meeting determine the organization, functions, duties, and terms of office of the Commission of Experts and of its members. Until such determination is made the Commission shall have such organization, functions, and duties as are hereinafter provided.

The Commission of Experts shall be a subcommittee of the International Conference of Jurisconsults. The members of this subcommittee shall be ex officio members of the International Commission of Jurisconsults. When that International Commission is in session, the members of the subcommittee shall be considered as members thereof and of the delegation named by the country of which they are nationals.

5. There shall be created in the Pan American Union a general secretariat charged with the files and correspondence of the codifying bodies. With this in view the Pan American Union will establish a juridical section of a purely administrative character.

6. Both the Commission of Experts as well as the separate local commissions of codification shall take into account, insofar as it may be convenient, the suggestions and projects which other institutions may submit for its consideration.

7. The first meeting of the Commission of Experts will take place as soon as possible at the Pan American Union in Washington, where there shall have been organized a juridical section referred to in Article 5.

The subsequent meetings of the Commission of Experts shall be annual and will take place in the various cities of America which the Commission itself shall determine at the proper time.

8. The Commission of Experts will proceed to examine all the problems of private and public international law and will make a list of those matters which it considers susceptible of codification. With respect to each point it will draw up a questionnaire which it will submit to the consideration of all the national commissions of codification.

Each commission will study thoroughly the topics contained in the questionnaire and within a reasonable time will give its views thereon, returning the reply through the respective foreign offices to the juridical section of the Pan American Union.

This procedure does not prevent an exchange of ideas on one or more topics between the national commissions themselves, it being on the contrary even desirable that this method be adopted.

9. It shall be the special duty of the juridical section of the Pan American Union to expedite whenever necessary the prompt submission of the views solicited.

Once the replies and observations have been received from the foreign offices, the division shall notify the Governing Board of the Pan American Union in order that it may arrange a meeting of the Commission of Experts which shall be held at the place which may have been decided upon at its previous meeting.

10. The Commission of Experts so convoked shall undertake a thorough study of the replies and observations received and shall proceed to classify them according to topics or concrete points in two categories:

   (1) Those which are susceptible of codification because there is a harmony of opinions which permits the formulation of concrete bases of discussion;

   (2) Those which do not fit into the above category.

When the classification is made, the Commission of Experts shall coordinate the various points of view and shall form concrete bases of discussion for
the International Commission of Jurists. The antecedents thus prepared by the Commission of Experts and all the documents transmitted by the governments shall serve as a basis for the work of the International Commission of Jurists.

The Commission of Experts, when it may have prepared a reasonable number of projects or declarations such as to justify a meeting of the International Commission of Jurists, will so notify the Governing Board of the Pan American Union in order that the latter may call that Commission together.

The next meeting of the International Commission of Jurists will be held in the city of Rio de Janeiro and the following meetings in the places arranged by the Commission itself.

12. The members of the International Commission of Jurists shall have the character of plenipotentiary delegates.

13. The organs of codification shall not, in the work of juridical organization, alter the fundamental principles of positive International Law already established by Convention between the American States.

14. The expenses arising out of the attendance of the delegates or of experts at the meetings provided for in the previous articles shall be for the account of the government whose national is concerned.

The codification of International Law was considered at the Second International Conference of American States held in Mexico in 1901-02, when a convention was signed providing for the appointment of a commission of five American and two European jurists to draft codes of public and private International Law. The convention, however, failed to obtain the requisite number of ratifications.

At the Third International Conference of American States a convention was signed creating the International Commission of Jurists, composed of one delegate from each State, to carry on the work of codification, the Commission to meet at Rio de Janeiro. Subsequently the terms of the convention were modified by a protocol signed at the Pan American Union in 1912, providing that each Government could appoint two delegates instead of one, but with the right to but one vote.

The Commission of Jurists met at Rio de Janeiro from June 26 to July 6, 1912, 16 American States attending. Six committees were appointed, entrusted with the following subjects: The first, maritime war and the rights and duties of neutrals; the second, war on land, civil war, and the claims of foreigners arising out of such wars; the third, with matters relating to what is known in international law as a state of peace; the fourth, pacific settlement of disputes and the organization of international tribunals; the fifth, the following matters of private international law: capacity, condition of foreigners, family rights, and inheritance; and the sixth, with other matters of private international law. Two other committees were also appointed, one charged with the preparation of the draft convention on extradition, and the other with the drafting of an agreement on the execution of foreign judgments. The labors of the committees were to be considered at a meeting of the Commission of Jurists in 1914, but the outbreak of the European War interrupted the deliberations of the committees and prevented the holding of the meeting.

The Fifth International Conference of American States adopted a resolution providing for the reorganization of the International Commission of Jurists and a resumption of the work of codification. Subsequently, the Governing Board of the Pan American Union enlisted the cooperation of the American Institute of International Law in the work of codification, and at a meeting of the Institute held at Lima in 1924, a series of projects of conventions were formulated. These projects were transmitted to the Governments as well as to the International Commission of Jurists, which met at Rio de Janeiro in 1927. The Commission prepared a series of projects, which served as a basis of discussion at the Sixth International Conference of American States at Habana in 1928, at which time a number of conventions on international law were signed, including conventions on the status of aliens, asylum, consular agents, diplomatic officers, maritime neutrality, rights and duties of states in the event of civil strife, treaties, and a code of Private International Law.

The Conference at Habana also adopted a resolution on the future work of codification, the resolution providing for the continuance of the International Commission of Jurists, and the appointment of three permanent committees, one in Rio de Janeiro on public international law; another in Montevideo on private international law; and a third in Habana, on comparative legislation and uniformity of legislation. The American Institute of International Law was also requested to cooperate in the work of codification. In anticipation of the Seventh International Conference of American States, the Committee on Public International Law of Rio de Janeiro prepared a report on the industrial and agricultural use of the waters of international rivers, and the American Institute of International Law also formulated a series of projects which were sent to the Conference. At the Montevideo Conference conventions on international law were signed relating to nationality, the nationality of women, extradition, political asylum, and the rights and duties of states.

The resolution on the future codification of international law
adopted at the Seventh International Conference of American States is inserted at the beginning of this memorandum.

TOPIC 6

FORMULATION OF PRINCIPLES WITH RESPECT TO THE ELIMINATION OF FORCE AND OF DIPLOMATIC INTERVENTION IN CASES OF PECUNIARY CLAIMS AND OTHER PRIVATE ACTIONS

The International Conferences of American States have advocated arbitration as a means of dealing with pecuniary claims which are not settled through diplomacy.

The first Pan American multilateral treaty for the arbitration of pecuniary claims was signed at the Second International Conference of American States, held at Mexico City in 1902. By it the parties agreed to submit to arbitration “all claims for pecuniary loss or damage which may be presented by their respective citizens, and which cannot be amicably adjusted through diplomatic channels and when said claims are of sufficient importance to warrant the expense of arbitration.” The Permanent Court of Arbitration of the Hague was given jurisdiction over the disputes covered by the treaty, unless the parties preferred a special commission.

The Third International Conference of American States in 1906 extended the life of the treaty to December 31, 1912.

At the Fourth Conference, the following Convention on Pecuniary Claims was adopted, on August 11, 1910:

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

The decision shall be rendered in accordance with the principles of International Law.

Second. The High Contracting Parties agree to submit to the decision of the Permanent Court of Arbitration of The Hague all controversies which are the subject-matter of the present Treaty, unless both parties agree to constitute a special jurisdiction.

If a case is submitted to the Permanent Court of The Hague, the High Contracting Parties accept the provisions of the treaty relating to the organization of that arbitral Tribunal, to the procedure to be followed and to the obligation to comply with the sentence.

Third. If it shall be agreed to constitute a special jurisdiction, there shall be prescribed in the convention by which this is determined the rules according to which the tribunal shall proceed, which shall have cognizance of the questions involved in the claims referred to in Article 1st. of the present treaty.

Fourth. The present treaty shall come into force immediately after the thirty-first of December, 1912, when the treaty on pecuniary claims, signed at Mexico, on January 31, 1902, and extended by the treaty signed at Rio de Janeiro on August 13, 1906, expires.

The following States are parties to the Convention: Bolivia, Brazil, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Nicaragua, Panama, Paraguay, United States and Uruguay.

In connection with the question of claims and diplomatic intervention, the First International Conference of American States, held at Washington in 1889, made the following recommendation:

The International American Conference recommends to the Governments of the countries therein represented the adoption, as principles of American International Law, of the following:

1. Foreigners are entitled to enjoy all the civil rights enjoyed by natives, and they shall be accorded all the benefits of said rights in all that is essential as well as in the form or procedure, and the legal remedies incident thereto, absolutely in like manner, as said natives.

2. A nation has not, nor recognizes in favor of foreigners, any other obligations or responsibilities than those which in favor of the natives are established, in like cases, by the constitution and the laws.

The foregoing recommendation was followed by a stipulation in the convention relative to the Rights of Aliens, signed at the Second Conference, in 1902, which established that “Whenever an alien shall have claims or complaints of a civil, criminal or administrative order against a State, or its citizens, he shall present his claims to a competent court of the country, and such claims shall not be made through diplomatic channels except in the cases where there shall have been on the part of the Court, a manifest denial of justice, or unusual delay, or evident violation of the principles of International Law.”

The Fifth International Conference of American States, held at Santiago, Chile, in 1923, adopted a resolution in which it entrusted to the Commission of Jurists of Rio de Janeiro “the determination in International Public Law, of the civil rights and individual guarantees which aliens may enjoy within the territory of each State, exceptions that may be admissible, and the recourse that may be had against the violation of such rights and guarantees.”

The Third International Conference of American States, held at Rio de Janeiro in 1906, adopted the following resolution relative to public debts:

The Third International American Conference, resolves:

To recommend to the Governments represented therein that they consider the point of inviting the Second Peace Conference at The Hague, to examine the question of the compulsory collection of public debts, and, in general, means tending to diminish between Nations conflicts having an exclusively pecuniary origin.
A number of American States (El Salvador, Guatemala, Haiti, Mexico, Nicaragua, Panama, and the United States) are parties to the Convention "Respecting the Limitation of the Employment of Force for the Recovery of Contract Debts," signed on October 18, 1907, at the Second Hague Peace Conference.

This Convention provides as follows:

**ARTICLE I**

The Contracting Powers agree not to have recourse to armed force for the recovery of contract debts claimed from the Government of one country by the Government of another country as being due to its nationals.

This undertaking is, however, not applicable when the debtor State refuses or neglects to reply to an offer of arbitration, or, after accepting the offer, prevents any compromis from being agreed on, or, after the arbitration, fails to submit to the award.

**ARTICLE II**

It is further agreed that the arbitration mentioned in paragraph 2 of the foregoing article shall be subject to the procedure laid down in Part IV, Chapter III, of The Hague Convention for the pacific settlement of international disputes. The award shall determine, except where otherwise agreed between the parties, the validity of the claim, the amount of the debt, and the time and mode of payment.

The following reservations to the Convention were made by the American States at the time the instrument was signed:

**ARGENTINE REPUBLIC**

1. With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse shall not be had to arbitration except in the specific case of denial of justice by the courts of the country which made the contract, the remedies before which courts must have been exhausted.

2. Public loans, secured by bond issues and constituting the national debt, shall in no case give rise to military aggression or the material occupation of the soil of American nations.

**BOLIVIA**

Under the reservation stated to the First Commission.

Extract from the proces-verbal:

It seems to me, therefore, that the acceptance of the proposition before us will but mean the legitimation by the Peace Conference of a certain class of wars, or at least interventions based on disputes which relate neither to the honor nor vital interests of the creditor States.

In consequence of these forceful reasons, the delegation of Bolivia regrets not to give its entire assent to the proposition under discussion.\(^1\)

**COLOMBIA**

It does not agree to the employment of force in any case for the recovery of debts, whatever be their nature. It accepts arbitration only after a final decision has been rendered by the courts of the debtor nations.

**DOMINICAN REPUBLIC**

With the reservation made at the plenary session of October 16, 1907.

Extract from the proces-verbal:

The delegation of the Dominican Republic confirms its favorable vote on the proposal of the delegation of the United States relative to the limitation of the employment of force for the recovery of contract debts; but it renounces its reservation as to the condition contained in this part of the clause: "or after accepting the offer, prevents any compromis from being agreed on," as its interpretation might lead to excessive consequences which would be the more regrettable as they are provided for and avoided in the new Convention of the permanent settlement of international disputes.\(^1\)

**ECUADOR**

With the reservations made at the plenary session of October 16, 1907.

Extract from the proces-verbal:

The delegation of Ecuador will vote affirmatively while maintaining the reservations made in the First Commission.\(^2\)

**GUATEMALA**

1. With regard to debts arising from ordinary contracts between the citizens or subjects of a nation and a foreign government, recourse shall be had to arbitration only in case of denial of justice by the courts of the country which made the contract, the remedies before which courts must first have been exhausted.\(^2\)

2. Public loans secured by bond issues and constituting national debts shall in no case give rise to military aggression or the material occupation of the soil of American nations.\(^2\)

**PERU**

Under the reservation that the principles laid down in this Convention shall not be applicable to claims or differences arising from contracts concluded by a country with foreign subjects when it has been expressly stipulated in these contracts that the claims or differences must be submitted to the judges or courts of the country.

**EL SALVADOR**

We make the same reservations as the Argentine Republic above.

**URUGUAY**

Under reservation of the first paragraph of Article 1, because the delegation considers that arbitration may always be refused as a matter of right if the fundamental law of the debtor nation, prior to the contract which has given rise to the doubts or disputes, or this contract itself, has stipulated that such doubts or disputes shall be settled by the courts of the said nation.

Nicaragua in adhering and the United States in ratifying made the following reservations:

**NICARAGUA**

The act of adhesion contains the following reservations:

(a) With regard to debts arising from ordinary contracts between the citizen or subject of a nation and a foreign Government, recourse shall be had to arbitration only in the specific case of denial of justice by the courts of the country where the contract was made, the remedies before which courts must first have been exhausted.

(b) Public loans secured by bond issues and constituting the national debt shall in no case give rise to military aggression or the material occupation of the soil of American nations.

**UNITED STATES**

The act of ratification contains the following reservation:

That the United States approves this Convention with the understanding that recourse to the Permanent Court for the settlement of the differences

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2 Statement of Mr. Doris y de Albis. Actes et documents, vol. 1, p. 238.
3 Reservation maintained at ratification.
referred to in said Convention can be had only by agreement thereto through general or special treaties of arbitration heretofore or hereafter concluded between the parties in dispute.

TOPIC 7

UNIFICATION OF THE INTERNATIONAL AMERICAN PRINCIPLE AND OF NATIONAL LEGISLATION WITH RESPECT TO THE PROBLEMS OF NATIONALITY

International action among the Republics of the American Continent in the matter of nationality is represented by several conventions signed at the International Conferences of American States. At the Third Conference of Rio de Janeiro in 1906 a convention establishing the status of naturalized citizens who again take up their residence in the country of their origin was signed, the pertinent articles of which are as follows:

1. If a citizen, a native of any of the countries signing the present Convention, and naturalized in another, shall again take up his residence in his native country without the intention of returning to the country in which he has been naturalized, he will be considered as having resumed his original citizenship, and as having renounced the citizenship acquired by the said naturalization.

2. The intention not to return will be presumed to exist when the naturalized person shall have resided in his native country for more than two years. But this presumption may be destroyed by evidence to the contrary.

At the Seventh International Conference of American States a convention on nationality was signed, the principal provisions of which are as follows:

1. Naturalization of an individual before the competent authorities of any of the signatory States carries with it the loss of the nationality of origin.

2. The State bestowing naturalization shall communicate this fact through diplomatic channels to the State of which the naturalized individual was a national.

3. The provisions of the preceding articles do not revoke or modify the Convention on Naturalization signed in Rio de Janeiro the 13th of August, 1906.

4. In case of the transfer of a portion of territory on the part of one of the States signatory hereto to another of such States, the inhabitants of such transferred territory must not consider themselves as nationals of the State to which they are transferred, unless they expressly opt to change their original nationality.

5. Naturalization confers nationality solely on the naturalized individual and the loss of nationality, whatever shall be the form in which it takes place, affects only the person who has suffered the loss.

6. Neither matrimony nor its dissolution affects the nationality of the husband or wife or of their children.

At the same Conference a convention on the nationality of women was signed, providing that “there shall be no distinction based on sex as regards nationality” in the legislation or practice of the contracting States.

In the constitutions and national legislation of the several Republics of the American Continent citizenship is acquired by the mere fact of birth within the territory in Argentina, Bolivia, Brazil, Chile, the Dominican Republic, Ecuador, Guatemala, Honduras, Nicaragua, Paraguay, Peru, the United States of America, Uruguay and Venezuela. In Costa Rica, Cuba, Mexico and Panama, children born within the national territory of foreign parents are given the right to elect their nationality when they reach their majority. In El Salvador children of foreigners are considered citizens of the country if, within a year after reaching their majority, they do not elect the nationality of their parents. In Haiti, the children of a foreign father or, if not recognized by their father, of a foreign mother, born within the territory, shall be considered Haitians, if they belong to the African race.

Some Republics consider as citizens the natives of other American countries, or concede to them special facilities for naturalization. The constitutions of Guatemala, Honduras and Nicaragua consider the natives of the other Central American countries citizens of their own country, provided they have not expressed their intention to retain their original nationality or have expressed their desire before a body having competent jurisdiction.

Various treaties on citizenship have been concluded by the American Republics among themselves and with other states. In general, the contracting states recognize in these agreements the valid naturalizations accorded by each country, providing, however, that the naturalized citizen who again establishes his domicile in the country of origin shall be considered as having renounced his acquired citizenship and as having recovered that which he originally possessed.
CHAPTER V
ECONOMIC PROBLEMS

TOPIC 8
MEASURES TO PROMOTE CLOSER ECONOMIC RELATIONS AMONG THE AMERICAN REPUBLICS

TOPIC 8 (a): TARIFF TRUCES AND CUSTOMS AGREEMENTS; 8 (b): EQUALITY OF OPPORTUNITY IN INTERNATIONAL TRADE; 8 (g): OTHER MEASURES

Considering the broad field covered by the above sections of Topic 8 of the Conference agenda, it has been thought desirable to treat them all under a single general memorandum, which would discuss barriers to inter-American and international trade, and measures for their elimination.

Various Pan American conferences in past years have considered the general question of barriers to international trade, and resolutions have been adopted upholding the principle of the fewest possible restrictions to such trade compatible with the internal economy of individual nations. One of the most comprehensive of such resolutions was that adopted by the Seventh International Conference of American States, held at Montevideo in December, 1933, on the broad question of economic, commercial and tariff policy:

Whereas, the Governments of the American Republics, convened at the Seventh International Conference of American States, are impressed with the disastrous effect of obstructions to international trade upon the full and stable business recovery of individual nations as well as upon general world prosperity;

Are convinced that promoting economic conflict and of achieving some measure of economic disarmament;

Are confident that through mutually profitable exchange of goods they themselves and the governments of the other nations of the world may reduce unemployment, increase domestic prices, and improve business conditions in their respective countries; and

Recognize that the existing high trade barriers can be effectively reduced only through simultaneous action by the nations of the world;

The Seventh International Conference of American States RESOLVES:

That the governments of the American Republics will promptly undertake to promote trade among their respective peoples and other nations and to reduce high trade barriers through the negotiation of comprehensive bilateral reciprocity treaties based upon mutual concessions; and

That the governments of the American Republics do each subscribe, and call upon other governments of the world to subscribe, to the policy and undertaking, through simultaneous action of the principal nations, of gradually reducing tariffs and other barriers to mutually profitable movements of goods, services and capital between nations, such policy and undertaking being in words and figures as follows:

...
cation shall not operate in so far as the country entitled to most-favored-
nation treatment in fact reciprocally accords the benefits which it seeks.

For the purpose of carrying out the policy embraced in the foregoing
undertaking, the subscribing governments favor the establishment of a perma-
nent international agency which shall closely observe the steps taken by each
of them in effecting reductions of trade barriers and which shall upon request
furnish information to them regarding the progress made by each in effecting
the aforesaid program.

In consideration of the premises, the governments of the American Republics
carneally call upon the appropriate agencies of the World Monetary
and Economic Conference at London, now in recess, promptly to cooperate in
bringing this proposal to a favorable conclusion.

TYPES OF TRADE BARRIERS

Before considering trade barriers in the light of the resolution
of the Montevideo Conference, there may be mentioned briefly the
principal types of trade barriers, and their application in the
republics of the American continent.

Absolute Prohibitions

At one extreme in the list of trade barriers are found absolute
prohibitions. Three principal reasons usually account for the
presence of this type of barrier:

First, prohibitions for political reasons, or as measures of
retaliation. This type of prohibition has not presented any serious
problem on the American continent.

Second, certain regulations imposed by various governments for
sanitary reasons, such as animal or vegetable diseases in some areas
with which an importing nation desires to avoid any possible
harmful contact.

Third, prohibitions of an emergency character, usually for
financial reasons, by which an importing country, on account of
lack of sufficient foreign exchange to pay for imports, for example,
imposes a temporary prohibition on certain types of imports not
deemed to be essential for the country.

Prohibitions of imports for the above reasons have been and
are found in the American republics. The existence of this type
of trade barrier is not, however, extensive. Import prohibitions
for financial reasons may be considered of a temporary or emer-
gency nature, which it may be expected would be abolished with
the passing of critical conditions in world trade. Import prohibi-
tions for sanitary reasons, however, though not extensive, present
a more serious problem as regards their abolition or modification.

At the Fourth Pan American Commercial Conference in Washing-
ton in 1931, a resolution was adopted on the question of animal
and vegetable sanitary police, which included the statement "that
in the application of all restrictions of a sanitary nature in the
inter-American traffic of animal and vegetable products, in order
to determine the origin of the product, the term 'infected zones'
be used instead of 'infected countries.'" This resolution also placed
on record "to acknowledge as fundamental principles that sanitary
police regulations effective at the present time, or enacted in the
future to regulate the inter-American traffic of vegetable and
animal products, must not have in their practical application the
character of protective customs measures."

On the subject of import prohibitions for sanitary reasons, the
Seventh International Conference of American States adopted the
following recommendation:

The Seventh International Conference of American States,
RECOMMENDS:

That the American States include in their future commercial treaties clauses
under which they shall agree:

1. To consult, whenever it is possible to do so, the interested countries
   before applying new measures of a sanitary character respecting interna-
tional commerce in animal or vegetable products;

2. To enter into conversations, at any time at the request of the interested
country, concerning the application of the measures in effect;

3. In case of disagreement as to the interpretation of the measures in
effect, not to take any step which might injure the commerce of the interested
country before submitting the question to a mixed committee of technical
experts from both countries, so that it may submit recommendations to the
respective governments;

4. That the governments, in urgent cases, may apply the measures they
   consider necessary without the previous consultation and conversations pro-
vided for in the preceding paragraphs; but they are obliged to notify the
affected countries immediately, with an explanation of the causes of the
measures they have adopted.

Quotas or Licenses

The quota or license system of trade barrier has not had any
general application in the American republics directly, but, as will
be mentioned later, through governmental control of operations
in foreign exchange during the last few years, an opportunity has
arisen for governments indirectly to control the source of imports
through the allocation of exchange in the official market. For
political or other reasons, governments may also virtually prohibit
importations, or divert trade from one country to another arbi-
trarily, through adjustment of quotas or the issuance of licenses.

On the subject of import quotas, the Seventh International Con-
ference of American States adopted the following declaration:
The Seventh International Conference of American States,

DECLARES:

1. That the system of quotas of exportation and importation under permits or licenses is in conflict with the fundamental principle of the equality of economic treatment among nations and that, except in the cases provided for by specific contractual agreement, they are opposed to the real spirit of the most-favored-nation clause;

2. That although the system of quotas and import licenses has its origin in the chaotic situation created by the present crisis, the American countries express their determination to base their internal legislation and international commercial intercourse upon the theory of cooperation for its elimination as quickly as possible, when the just motives which may have caused those restrictions shall have disappeared—as they consider them injurious to economic prosperity and in opposition to equality of economic treatment among nations;

3. That until a universal agreement can be reached for its total abolition, the countries employing the system will apply it in a manner which will disturb as little as possible the present relative competitive positions of the various countries in the provision of the merchandise affected.

**Protection against Depreciated Currencies**

The imposition of special import taxes or surcharges during the last few years in countries remaining on the gold standard as a protection against imports from countries with depreciated currencies, has had no application in the American republics.

**Customs Duties**

There may next be considered the most common type of trade barrier: customs duties or tariffs. In the case of the countries of Latin America, customs duties have as a general rule been imposed for the purpose of providing the government with revenue. In recent years, however, as industrialization has progressed in various republics, particularly those in South America, there has been a marked tendency for tariffs to become protective in nature, rather than for revenue only. At the same time, it should be noted as a part of programs for industrialization and greater economic self-sufficiency, tariff rates have been raised on finished products, while being lowered on the machinery and equipment necessary for industrial development. In the United States, tariffs have been designed primarily as measures of protection for the broad range of established domestic industries. As affecting Latin America, the protective feature of the North American tariff is felt chiefly by those South American countries exporting commodities which compete directly with similar goods produced in the United States.

**Multiple Tariffs**

Developments in the American republics during the last few years in the direction of multiple tariffs, find their source in the spreading idea of bilateral trade balancing, that is, that trade between each pair of nations should be in approximate balance—that exports should be more or less equal to imports. Bilateral trade balancing first appeared—in America—in the countries of South America, and as a rule grew out of commercial relations with European nations. Later the movement spread to the Caribbean area, being noticeable through the establishment by various governments, of multiple tariff systems. Under this system maximum tariff rates—sometimes just twice the minimum rates—were applied to products coming from countries purchasing but small amounts of exports from the country applying the tariff. As the system worked out in actual practice, Japanese goods were chiefly affected.

To the extent that multiple tariffs involve discrimination, because one country does not buy as much as it sells to another, there is a deviation from the principles enunciated by the American republics at the Seventh International Conference of American States. It should also be noted that, through the application of multiple tariffs, governments have another method by which to control the source of their imports.

**Exchange Control**

The regulation of foreign exchange operations to control imports has found a rather wide application in the countries of Latin America during the past few years. Generally speaking, the imposition of exchange control measures originated in a necessity to maintain at least a degree of balance in the international payments of the republics affected by the sharp decline in prices of raw materials and the disappearance of foreign markets for important export commodities. It was from exports that Latin American countries derived their chief supply of the foreign exchange with which to cover the debit items in the balances of payments. As the nations of Latin America have emerged from the worst phases of the depression, and world prices and markets for their basic commodities have improved, there has been a tendency in some nations to relax exchange control. In other nations, however, including some of the most important economically, exchange control measures as originally imposed have been retained, or have been made more severe. In view of this situation, and in view of the fact that exchange control has in some cases
provided governments with a new source of revenue which they are loath to give up, it is an open question whether or not exchange control in such countries, has become a permanent feature of their commercial policy.

Another important aspect of this question is the degree of control afforded governments over the source and type of imports. By withholding foreign exchange entirely, or by not allocating sufficient amounts of exchange at the official (most favorable) rate, the government possesses a strong weapon with which to control to an important degree, the entire field of its trade relations with other countries. Further reference to exchange control is made in the following section on clearing agreements.

Clearing Agreements

While the use of clearing agreements is not general among the American republics, where it does exist it finds its source in difficulties growing out of trade with European nations. Originally established to clear foreign funds blocked in a particular country, these agreements result eventually in a general lowering of the volume of trade between the countries concerned. Clearing agreements are a part of the theory which has become so widespread today—particularly in Europe, of bilateral trade balancing, that exports and imports should be equal in the trade between each pair of countries. It is interesting in this connection to quote a few lines on the subject of clearing agreements from a recent publication of the League of Nations, “The Economic Interdependence of States” (Geneva, 1935):

There is an immense difference between the spontaneous, automatic, almost unconscious, clearing of debts and claims generally, through the machinery of banking, almost without the importer or exporter realizing it, and the obligatory and necessarily bilateral clearing system as we see it applied at present.

Where a clearing agreement does not guarantee a sufficient supply of foreign exchange to a country with a weak currency, that country finds itself deprived, at least to a considerable extent, of the exchange the free disposal of which would naturally result from a surplus in its exports. A situation thus arises in which the orders of the weak-currency country at first tend to flow toward the country with which it has clearing relations to the prejudice of third countries.

Moreover, the limited amount of free foreign exchange at its disposal makes it not only less and less able to purchase in third countries but also less able to make any payments to them. Since the starting point is usually that the weak-currency country has an active balance of trade, it follows that, if it has at the same time large debts and a debt balance in relation to certain third countries, the latter probably will be the chief sufferers from the situation so created.

It might seem that things would proceed in a more or less satisfactory manner, at all events between the two countries between which clearing treaties exist. But a series of forces tend to impair the trade relations between these two countries in the most undesirable way—by making it easier for the country with a strong currency, and more difficult for the country with a weak currency, to export . . . .

Apart from their influence on the natural direction and total volume of trade, clearing agreements tend to lower the world level of prices. Their restrictive effect on trade limits possibilities of sale and, faced with the partial or complete closing of their outlets, the countries which are not parties to clearing agreements are gradually led to reduce the prices of their goods in order to sell them. These agreements thus reduce the volume of trade and the prices at which trade is conducted; they reduce the ability of debtor countries to meet those very financial obligations which gave rise to exchange control and subsequently to the introduction of clearing agreements.

It is therefore difficult to imagine a return to normal trade movements so long as exchange control, and with it clearing agreements, have not been abolished.

REDUCTION OF TRADE BARRIERS

The resolution of the Montevideo Conference on economic, commercial and tariff policy quoted previously, mentions the three possible methods to be undertaken by the signatory nations in reducing barriers to international trade: through unilateral action, and by bilateral and multilateral treaties.

Unilateral Action

Under the present conditions affecting international commercial policy in the nations of the world, it does not appear probable that any general reduction in trade barriers will be undertaken voluntarily by unilateral action. In reducing tariffs, freeing trade from quota or licensing restrictions, or abolishing prohibitions, nations are in general desirous of receiving reciprocal concessions from other countries in return for any reductions they may make. Individual exceptions to this general principle are, however, noted from time to time in various nations, as economic circumstances dictate the necessity or desirability of increasing imports of certain commodities. Such action has in general been confined to foodstuffs, or products for the internal development of a country.

Multilateral Action

This type of action to reduce trade barriers envisages a movement on the part of groups of nations, or all nations, to effect a general lowering of trade barriers, particularly tariffs, on an equal scale in all countries. Due to two principal reasons, removal of trade barriers by such action has not succeeded in the past. The first is the uncertainty and lack of confidence of many nations that
their own country will obtain the maximum advantages under any such plan; and the second are the numerous complications arising in an attempt to determine some method of reducing trade barriers which will affect in an equal degree all the participating nations, as there is no common basis or formula upon which the tariffs and other trade barriers of all nations, or even of a majority, have been erected. (Further data on multilateral action will be found in the section of this memorandum dealing with the most-favored-nation clause.)

**Bilateral Action**

Action between two individual nations to remove trade barriers has featured the foreign commercial policy of the American republics during the last few years. This method would appear to have two distinct advantages in that there exists comparative ease in negotiating such agreements, and at the same time the two participating nations are enabled to consider reductions of trade barriers on those commodities which are of primary interest to themselves.

Through the presence of the most-favored-nation clause in their commercial treaty structure, concessions mutually granted by the two negotiating nations are automatically extended to other countries. These concessions, however, being usually offered only on commodities which are important in the trade between the two countries concerned, are not ordinarily of great value to those other nations to which they are automatically extended by the operation of the most-favored-nation clause. Such trade bargaining not only provides the equality of treatment to all nations envisaged in the most-favored-nation principle, but also offers special advantages to the two negotiating countries.

**THE MOST-FAVORED-NATION CLAUSE**

As a measure to insure equality of treatment for all nations in international trade, the resolution of the Montevideo Conference on economic, commercial and tariff policy specifically calls for the inclusion of the unconditional most-favored-nation clause in any commercial treaties or agreements entered into between the republics subscribing to that resolution, with the sole limitation of such exceptions as are commonly recognized as legitimate. Further, the resolution declares that "the most-favored-nation principle enjoins upon states making use of the quota or other systems for limiting imports, the application of those systems in such a way as to dislocate as little as possible the relative competitive positions naturally enjoyed by the various countries in supplying the articles affected."

The most-favored-nation clause has been upheld at a number of international conferences in past years, as the equitable principle upon which all commercial treaties should be based. Despite equality of treatment for all nations envisaged by the use of that clause, it is nevertheless possible for individual nations to bargain for tariff and other trade barrier reductions within the framework of the most-favored-nation principle. This is most effectively carried out by bilateral agreements in which the concessions to other states are granted only on those products which are important in the trade between the two negotiating countries. The subsequent extension of these concessions to other states enjoying most-favored-nation privileges, but which do not participate in the trade of the particular commodities to any considerable extent, does not affect materially the concessions granted by the two originally contracting states.

There have been and are certain relationships between nations in international trade which by their nature or on account of special conditions, must be considered as exceptions to the basic principle of the most-favored-nation clause. Exceptions to the clause usually recognized as legitimate may be divided into two groups: general exceptions and special exceptions.

**General Exceptions**

General exceptions, which are recognized in international law where they are not expressly stated in a commercial treaty, and which may be said to be inherent in the trade between the nations concerned, are limited to frontier trade and customs unions. Due to special conditions existing in the trade between people living adjacent to one another on either side of a national boundary, the fact that trade between them should be excepted from the provisions of the most-favored-nation clause has long been recognized. Due to conditions in each individual case, however, it has never been possible to declare the exact width of a frontier zone which should be excepted, this being determined by the limits necessary for the welfare of the inhabitants on each side of the boundary. In the case of customs unions between two or more nations, the trade between them has, from its very nature under such a union,
been recognized as outside the scope of the most-favored-nation clause in commercial treaties of any one of the members of the union.

Special Exceptions

It is in the field of special exceptions to the most-favored-nation clause that the principal difficulties have arisen as to what should constitute legitimate exceptions to the clause. In contrast to the two general types of exceptions noted above, special exceptions find their validity by virtue of special agreements included in commercial treaties. In the question of legitimate exceptions to the clause, two schools of thought exist. One school stands for the unconditional and unrestricted use of the clause, with none or an absolute minimum of exceptions. At the other extreme is found the school which would claim so many exceptions as almost to nullify the principle behind the clause. A more impartial method of determining what should constitute legitimate exceptions to the clause might be to consider those exceptions which have been widely recognized in fact, that is, those conceded by other nations in commercial treaties. By such a standard, the following exceptions might be included:

Regional Exceptions: This type is the most common, and might perhaps be said to be based upon previous close historical associations between nations, upon long continued economic integration, or upon close political ties. This definition would cover, among others, the following exceptions: trade between the Scandinavian countries; trade between the Austrian Succession states; trade between Turkey and former parts of the Ottoman Empire; trade in national products of the five republics of Central America; trade between the United States and Cuba; trade between Spain and Portugal (the Iberian clause); and trade between Spain and Portugal and their former American colonies. In view of certain claims of special commercial relationships existing between neighboring countries, the Seventh International Conference of American States adopted the following resolution on commercial advantages between neighbor states, recommending to the governments of the American republics the study of the possibility of such states granting exclusive commercial advantages to one another:

The Seventh International Conference of American States,

WHEREAS:
For the greatest convenience of all American countries, separately and as

a whole, it is necessary to promote the intensification of commerce among them, particularly of their own products, whether manufactured or not;

In order to attain this end which is fundamental for the consolidation of their economic independence, they should seek all possible means of facilitating their reciprocal commercial relations, notwithstanding the relations that they necessarily maintain and wish to establish with the rest of the world;

To the end of directing their commercial policy towards the attainment of such purposes, it would be of the greatest advantage that American countries grant special reciprocal treatment to their conterminous or neighboring countries; and that

The granting of such advantages should not be deemed a derogation of the principle of equal opportunity in reciprocal commercial intercourse, but as a justified exception to the application of the most-favored-nation clause,

RESOLVES:

To recommend to the Governments of the American Republics the study of a contractual formula which will permit the granting of exclusive commercial advantages by contiguous or neighboring countries.

Exceptions in Trade with Colonies: Great Britain, France, Spain, Italy and the United States are included among those mother countries which claim as exceptions to the operation of the most-favored-nation clause, trade with possessions or colonies.

Collective Agreements

As a means of insuring that the operation of the most-favored-nation principle on the American Continent and in other sections of the world would develop in such a manner that the advantages to international trade offered by collective agreements for the reduction of trade barriers that are open to adherence by all countries, could not be claimed by nations not willing to assume the corresponding obligations, the Seventh International Conference of American States adopted a recommendation on the subject of multilateral commercial treaties. Pursuant to this recommendation, there was opened for signature at the Pan American Union in July, 1934, to all the nations of the world, an agreement the text of which is as follows:

The High Contracting Parties, desirous of encouraging the development of economic relations among the peoples of the world by means of multilateral conventions, the benefits of which ought not to inure to countries which refuse to assume the obligations thereof; and desirous also, while reaffirming as a fundamental doctrine the policy of equality of treatment, to develop such policy in a manner harmonious with the development of general economic rapprochement in which every country shall do its part; have decided to enter into an agreement for these purposes, as set forth in the following articles:

ARTICLE I

The High Contracting Parties, with respect to their relations with one another, will not, except as provided in Article II hereof, invoke the obligations of the most-favored-nation clause for the purpose of obtaining from
Parties to multilateral conventions of the type hereinafter stated, the advantages or benefits enjoyed by the Parties thereto.

The multilateral economic conventions contemplated in this article are those which are of general applicability, which include a trade area of substantial size, which have as their objective the liberalization and promotion of international trade or other international economic intercourse, and which are open to adoption by all countries.

**Article II**

Notwithstanding the stipulation of Article I, any High Contracting Party may demand a treaty containing the most-favored-nation clause, the fulfillment of that clause insofar as such High Contracting Party accords in fact to such State the benefits which it claims.

**Article III**

The present agreement is operative as respects each High Contracting Party on the date of signature by such Party. It shall be open for signature on behalf of any State and shall remain operative indefinitely, but any Party may terminate its own obligations hereunder three months after it has given to the Pan American Union notice of such intention.

Notwithstanding the stipulations of the foregoing paragraph, any State desiring to do so may sign the present agreement ad referendum, which agreement in this case, shall not take effect, with respect to such State, until after the deposit of the instrument of ratification, in conformity with its constitutional procedure.

**Article IV**

This agreement is a single document in English, Spanish, Portuguese and French, all of which texts are equally authoritative. It shall be deposited with the Pan American Union, which is charged with the duty of keeping it open for signature or resignature indefinitely, and with transmitting certified copies, with invitations to become parties, to all of the States of the world. In this connection, the Pan American Union may invoke the assistance of any of its members signatory horto.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries have signed this agreement on behalf of their respective Governments, and have affixed hereunto their seals on the dates appearing opposite their signatures. Opened for signature by the Pan American Union, in accordance with a resolution of the Seventh International Conference of American States, this fifteenth day of July, 1934, at Washington.

Up to the present time, the foregoing agreement has been ratified by the governments of the United States and Cuba, and has been signed but not yet ratified by the governments of Colombia, Guatemala, Nicaragua, Panama, Belgium (for the Belgo-Luxemburg Customs Union), and Greece.

Further consideration of the principle of the most-favored-nation clause raises the question of the form in which it is adopted—the conditional or the unconditional. It is in the latter form—with recognized exceptions—that the clause has been recommended for adoption by various international gatherings, including the Seventh International Conference of American States, the League of Nations, and by the International Chamber of Commerce. As will be seen by referring to the text of the resolution on economic, commercial and tariff policy of the Montevideo Conference quoted above, the Conference went on record specifically as favoring the inclusion in all commercial agreements of the most-favored-nation clause in its unconditional and unrestricted form, limited only by such exceptions as are commonly recognized as legitimate.

The foregoing section of this memorandum has considered largely the action taken by the Seventh International Conference of American States on the broad question of barriers to international trade and their reductions, inasmuch as the resolutions adopted at that meeting were more comprehensive than those of any other recent Pan American assembly. At the Pan American Commercial Conference of Buenos Aires, which met in May and June, 1935, action was taken maintaining and confirming the position set forth at the Montevideo gathering. A general resolution of that Buenos Aires conference called for the liberation of international commerce from improper restrictions, the encouragement of international economic cooperation, and the elimination of restrictive unilateral measures affecting world trade.

**Formulation of the Clause**

Further action by the Commercial Conference of Buenos Aires included a recommendation which referred to the Economic and Financial Conference to be convened at Santiago, Chile, a proposal of the Argentine delegation regarding the formulation of the most-favored-nation clause. This proposed to the Governments, members of the Pan American Union, the adoption of the formula suggested by the Economic Committee of the League of Nations, the text of which is as follows:

The High Contracting Parties agree to grant each other unconditional and unrestricted most-favored-nation treatment in all matters concerning Customs duties and subsidiary duties of every kind and in the method of levying duties, and, further, in all matters concerning the rules, formalities and charges imposed in connection with the clearing of goods through the Customs.

Accordingly, natural or manufactured products having their origin in either of the contracting countries shall in no case be subject, in regard to the matters referred to above, to any duties, taxes or charges other or higher, or to any rules and formalities other or more burdensome, than those to which the like products having their origin in any third country are or may hereafter be subject.

Similarly, natural or manufactured products exported from the territories of either Contracting Party and consigned to the territories of the other Party shall in no case be subject, in regard to the above-mentioned matters, to any duties, taxes or charges other or higher, or to any rules and formalities other or more burdensome, than those to which the like products when con-
signed to the territories of any other country are or may hereafter be subject.

All the advantages, favors, privileges and immunities which have been or may hereafter be granted by either Contracting Party, in regard to the above-mentioned matters, to natural or manufactured products originating in any other country or consigned to the territories of any other country shall be accorded immediately and without compensation to the like products originating from the other Contracting Party or to products consigned to the territories of that Party.

Nevertheless, the advantages now accorded or which may hereafter be accorded to other adjacent countries in order to facilitate frontier traffic, and advantages resulting from a Customs Union already concluded or hereafter to be concluded by either Contracting Party, shall be excepted from the operation of this article.

**TARIFF TRUCE**

Several Governments proposed that there be included in the program of the Conference, the subject of a "tariff truce," which would involve an agreement to put an end to further increases in tariff rates pending the consideration of actual reductions in tariffs and other barriers to international trade.

Such a procedure was actually carried into effect, to some extent, prior to the meeting of the World Economic Conference in London in June, 1933. The Governments represented on the Organizing Committee of that Conference adopted the following declaration of a tariff truce:

The Governments of Germany, Belgium, United States of America, the United Kingdom of Great Britain and Northern Ireland, France, Italy, Japan, and Norway, represented on the Organizing Committee for the Monetary Conference, convinced that it is essential for the successful conclusion of the Conference that the measures of all kinds which at the present time misdirect and paralyze international trade be not intensified pending an opportunity for the Conference to deal effectively with the problems created thereby, recognize the urgency of adopting at the beginning of the Conference a tariff truce, the provisions of which shall be laid down by common agreement.

The said Governments, being further convinced that immediate action is of great importance, themselves agree, and strongly urge all other Governments participating in the Conference to agree, that they will not, before the 12th of June nor during the proceedings of the Conference, adopt any new initiatives which might increase the many varieties of difficulties now arresting international commerce, subject to the proviso that they retain the right to withdraw from this agreement at any time after July 31, 1933, on giving one month's previous notice to the Conference.

One of the main motives which brings the Governments together in common is to surmount the obstacles to international trade above referred to; the said Governments therefore urge all other Governments represented at the Conference to act in conformity with the spirit of this objective.

The recommendation in the final paragraph of the above declaration was generally accepted by the Governments represented at the Conference. It was but a short period, however, before several of the Governments found it necessary to withdraw from the undertaking, and resume their right to alter their tariff rates independently.

**TOPIC 8 (b)**

**AGREEMENT ON SANITARY REGULATIONS AFFECTING THE INTERCHANGE OF ANIMAL AND VEGETABLE PRODUCTS**

This question has been under discussion at Pan American and other international conferences for a number of years.

At the Fifth International Conference of American States, held at Santiago, Chile, in 1925, a resolution on agriculture was adopted, the section entitled "Cooperation in the Elimination of Agricultural and Livestock Diseases," reading as follows:

The Fifth International Conference of American States:

RESOLVES:

1. To jointly study the parasites prejudicial to animals and plants; their geographical distribution and intensity; joint adoption of measures conducive to their destruction, or at least to determine the most efficacious means of combating them.

2. To jointly study the natural enemies of the different diseases or pests, and the natural agents which will facilitate their destruction, and creation of cultural stations.

3. To adopt the agreements and principles of the Conventions on Vegetable Sanitary Police and Animal Sanitary Police entered into at Montevideo in 1912 and 1913, and the recommendation of the International Congress for Combating the Locust, held at Rome in October, 1929.

4. To convene, as soon as possible, the International Congress for Agricultural Defense, which, under the terms of Article 8 of the conclusions of the assembly at Montevideo in May, 1913, is to be held in the city of Buenos Aires.

With reference to Section (3) above, the Convention on Vegetable Sanitary Police was signed at Montevideo in May, 1913, at the International Conference on the Protection of Agricultural Products by Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru and Uruguay. The most important provisions of this Convention may be summarized briefly as follows:

The contracting states agree to establish in each country plant sanitary control services; certain ports are to be named in each country for the import, export and transit of agricultural products where control regulations shall be in effect; the countries agree not to authorize the export to the others of agricultural products without complying with the sanitary regulations of the importing country; they agree to advise each other in advance of changes in any regulations governing sanitary control in the interchange of agricultural products; sanitary certificates of the contracting countries must declare the complete absence of diseases and plagues in the localities from which the
plants proceed, and must also contain the name of the owner of the land, location, number and species of plants, port of departure and port of entry, and name and address of person to whom sent; mutual exchange of information is agreed upon regarding plant sanitary laws and regulations, existence and extent of plagues and disposition of infected products; the contracting states agree to set up an international office to carry out the provisions of the Convention, the office to have its seat at Montevideo, to function as an intermediary between the sanitary control offices of the several countries and to be administered by an agricultural expert appointed by the Uruguayan Government and the diplomatic representatives of the South American countries accredited to the Uruguayan Government.

The International Convention on Animal Sanitary Police was also signed at Montevideo, in 1912, at the International Conference on Animal Police, Argentina, Brazil, Chile, Paraguay and Uruguay being the signatory countries. This Convention provided briefly as follows:

The contracting states agree to set up at their frontiers or other suitable places, veterinary police services with facilities to prevent the entry of animals, animal products, forage, feed, etc., infected or suspected of infection with contagious diseases; each nation agrees to establish definite regulations and means for disinfection of quarantine stations, ships, other places of conveyance and places where there may have occurred any case of contagious disease, such as plagues, pleurisy, hog cholera, hog mange, etc.; each nation will establish the form of certificate guaranteeing that animals come from uninfected localities, including documents to be presented by ship owners etc.; each nation agrees to organize a veterinary police service to combat existing diseases and other that at the time may be unknown; they will establish the definite extent and meaning of a declaration of infection of any certain region, also the definition of a suspected region; with respect to unknown diseases, infected regions shall be those where repeated cases occur, and suspected localities those nearby or within easy communication of the infected region; the governments will inform each other of the appearance or existence of all contagious or acute diseases, or those of speedy propagation; states party to the convention, if they deem it to their advantage, may enter into special agreements regarding treatment of cattle traffic with bordering countries.

The Sixth International Conference of American States, meeting at Havana in 1928, recommended that a special conference be called on plant and animal sanitary control. This subject was considered at the Inter-American Conference on Agriculture, which met at Washington in 1930, when a resolution was adopted reading as follows:

The Inter-American Conference on Agriculture recognizes the importance of basic scientific knowledge as a prerequisite for the establishment and enforcement of a rational quarantine, be it domestic or foreign, against plant diseases and noxious insects, and

That these quarantines must always be promulgated and enforced with the sole object of preventing the introduction of, or avoiding the propagation of, such diseases and noxious insects with least damage to commercial interchange of agricultural products between the different countries.

It therefore suggests to the governments of the Latin American Republics the advisability of making a survey and inventory of the noxious insects and plant diseases that invade their respective territories.

The Conference further suggests that these inventories, surveys and bibliographies be sent to the Pan American Union for distribution among all the countries of the continent, and

That the present centers of agricultural research be supported and enlarged, encouraging also the establishment of new centers (stations) in each of the countries of this continent.

The Conference recommends also that an inventory be made of all the noxious insects and plant diseases that may be liable to be introduced into the territory of the Pan American countries, and

That the Pan American Union encourage also cooperation between countries of similar climate and agricultural production in all matters pertaining to plant pathology and entomology—advise the establishment and support of centers for cooperative research.

At the Fourth Pan American Commercial Conference, held at Washington in October, 1931, a resolution was adopted recommending prohibition of importation of products from "infected zones," rather than from an entire country. The resolution reads as follows:

1. To acknowledge as fundamental principles that sanitary police regulations effective at the present time, or enacted in the future to regulate the Inter-American traffic of vegetable and animal products, must not have in their practical application the character of protective customs measures.

2. That in the application of all restrictions of a sanitary nature in the Inter-American traffic of animal and vegetable products, in order to determine the origin of the product, the term "infected zones" be used instead of "infected countries"; upon condition that the country of origin give all necessary facilities to determine its sanitary condition.

3. To recommend to the American countries the negotiation of agreements for the regulation of the foregoing principles.

A convention which has received world-wide recognition and is devoted to the problem of international control and suppression of pests and diseases of all plants and products of the soil is the International Convention for the Protection of Plants, signed at Rome in April, 1929, and sponsored by the International Institute of Agriculture at Rome. This treaty has been signed by several American republics.

While the provisions of this Convention are rather broad in scope, nevertheless principles are laid down for international action in the protection of all plants and products of the soil and it contains also a model certificate of health and origin to be presented when such products are transferred from one country to another.

A convention with the same object in view with respect to live-
stock, but of a bilateral character, is that of 1928 between Mexico and the United States, which has been ratified by both countries. This is entitled “Convention between the United States and Mexico for Safeguarding Livestock Interests Through the Prevention of Infectious and Contagious Diseases.” The agreement provides for cooperation by both Governments in controlling diseases, in exchanging necessary information, and in general, taking all measures essential to prevent the spread of animal diseases.

The Pan American Commercial Conference of Buenos Aires held in 1935, adopted ten recommendations under the general heading of animal and vegetable sanitary police regulations. These included a recommendation that official information on the sanitary condition of plants and animals and of control measures taken and the results obtained should be published periodically by the American Governments; that the Second Inter-American Conference on Agriculture should determine the basic principles to be adopted by the American republics for the establishment of foreign quarantines on agricultural products; and that in any agreements concluded on the sanitary control of plant products in transit, certain basic principles should be included, with the object of preventing the spread of plagues or infectious diseases.

Further recommendations dealt with provisions for the reciprocal visit by foreign experts to make investigations regarding animal and plant sanitary conditions; the possibility of making livestock vaccination obligatory in the American republics, and the suitability and usefulness of taking other measures to control diseases in animals in inter-American commerce; and regulations to be enforced by countries through which cattle pass in transit.

Other recommendations proposed the desirability of creating an inter-American organization of animal and plant sanitary police, affiliated with the Pan American Union, which should act both as a clearing house for information, and as a court of arbitration in disputes which might arise between the American republics in regard to plant and animal sanitary conditions; and that facilities be accorded for the study of plant and animal diseases, and that the American countries prohibit the exportation or importation of plants and animals affected by diseases.

On May 24, 1935, Argentina and the United States signed a sanitary convention providing for cooperation between the two countries to prevent the introduction and spread of infectious and contagious plant and animal diseases and of insect pests. This convention provides that the two Governments shall promptly notify each other of the appearance and extent of plant and animal diseases and of insect pests dangerous to human, animal or plant life, and that they shall exchange regulations, publications, and information on these diseases and pests and on their prophylaxis and control.

Further, each Government undertakes to permit and facilitate the visit or stationing in its territories of experts of the other for the purpose of studying and observing such diseases or pests.

The convention recognizes the sovereign right of each country to exclude on sanitary grounds the products of the other. It provides, however, that neither country may prohibit the importation of plant and animal products originating in or coming from any zone of the other country which the importing country finds to be free from animal and plant diseases or pests or exposure to such diseases or pests, for the reason that such diseases or pests exist in other zones.

This convention gave practical recognition to the principle of infected zones rather than infected countries, which had been embodied in the resolution quoted above of the Fourth Pan American Commercial Conference. The Convention is at present awaiting legislative action in order to bring it into actual operation.

**TOPIC 8 (e)**

**EQUALITY OF OPPORTUNITY IN INTERNATIONAL TRADE.**

This subject is considered in the general memorandum on Topic 8.

**TOPIC 8 (d)**

**FINANCIAL COOPERATION.**

The broad topic of “financial cooperation” contemplates the possibility of cooperative action between a particular government and individual creditors acting as a group, and cooperative action between governments in financial and economic matters.

Under the first mentioned type of cooperative action, involving the adjustment of the external debt of a nation and the incorporation within the country of a part of the debt, reference might be made to the arrangement entered into in 1890 between the Government of Peru and the Peruvian Corporation. In lieu of interest and sinking fund payments on its external obligations which had not been met since 1878, the Government of Peru in 1890 made
an arrangement with the Peruvian Corporation, a company formed by a bondholders' committee in London, the Corporation issuing to the bondholders its own shares in exchange for their bonds, and giving to the Government a complete discharge of all its obligations then outstanding. In return, the Government ceded to the Corporation for a period of 66 years all the government-owned railways (about 1,254 kilometers) and in addition various concessions and grants of land, and the right to operate the line of government ships on Lake Titicaca for 66 years. Further, the Government agreed to pay to the Corporation 30 annuities of £80,000 each, beginning in 1890. At that time, the external debt of Peru amounted to a total of about £6,000,000, of which about £33,000,000 represented the principal amount and the remainder interest in arrears.

Under the head of cooperative action between governments in questions of an economic and financial character, the most far-reaching activities of this character have been those taken by the League of Nations looking toward the financial rehabilitation of certain central European nations in the period since the World War. This work has been carried on in a number of countries, of which the case of Austria might be cited.

In 1922 the financial situation of Austria was so grave that the Government appealed to the League of Nations for assistance. The outcome was the negotiation and signature of three protocols between the Government of Austria on the one hand, and on the other the Governments of Great Britain, France, Italy, Czechoslovakia and Spain. The essential features of the protocols were as follows: The protocols included provisions for the continued political independence, territorial integrity and sovereignty of Austria; questions arising out of their interpretation were to be settled by the Council of the League of Nations; Austria was to remain free in the matter of customs tariffs and commercial and financial agreements, provided no steps were taken to grant any other country such special advantages as would compromise Austrian independence. Details were set forth regarding the guaranties demanded to assure the service of the loan made to assist Austria, these guaranties including the supervision of Austrian finances by a representative of the League; the governments assisting Austria were to share in guaranteeing the largest part of the service of the loan provided; control of Austrian finances in connection with the loan was set up; the Austrian government was to draw up a program of the financial reforms necessary to restore budgetary equilibrium, eliminate the necessity of recourse to further loans, and by the establishment of a bank of issue prohibit any further monetary inflation. Regulations were also established covering the manner in which the proceeds of the loan were to be utilized.

Another form of international cooperation in financial matters has been that of securing the services of individual financial experts or commissions composed of several experts, by governments which feel the need of impartial advice concerning their financial or general economic position. What have been known as "Kemmerer Missions," headed by Professor Edwin W. Kemmerer of Princeton University, have visited a number of Latin American republics in past years at the request of those countries, have analyzed the economic and financial situation, and suggested specific proposals for financial reorganization. Other missions in recent years have been headed by Sir Otto Niemeyer, noted English authority on public finance and banking.

The advice of these advisory commissions has been solicited in such matters as monetary reform, central and general banking problems, taxation and other fiscal questions, and accounting and audit control of governmental finances. Recommendations of the commissions have usually been presented in the form of draft laws accompanied by explanatory and supporting memoranda. Such drafts, prepared by experts in financial legislation, may later, if the government concerned so desires, be presented to the congress for action.

TOPIC 8 (c)

INTERNATIONAL ASPECTS OF THE PROBLEMS OF IMMIGRATION

Migration has been one of the most significant features of the nineteenth and twentieth centuries. Rapid means of communication has given to migratory currents a volume and a development over continental areas without historical parallel. As a consequence migration has been steadily presenting more difficult international aspects and has required the regulation of the problems arising therefrom by special agreements. In the middle of the last century and in the first quarter of the present, attempts have been made to regulate by treaty the international situation of the immigrant. On June 28, 1868, the United States and China signed a special immigration convention, which was renewed and modified.
by subsequent treaties of March 12, 1888, and December 3, 1894. The United States entered into a similar treaty with Japan in 1907. Peru signed a treaty with China on August 28, 1909. Special treaties relating to nationality, commerce and navigation have also contained clauses regulating immigration, and in various collective treaties certain aspects of immigration have been regulated, such as the protection of minors and of persons mentally deficient (1902), legal aid to foreigners (1905), conditions of labor (1906), and assistance to foreigners (1912). The regulation of transit, of passports, and traffic in women and children are problems which have either a direct or indirect relation with the international status of the immigrant and have been the subject of study at various conferences in Europe. General and specific problems relating to the international aspects of immigration have in recent years received the attention of numerous international organizations, and at international meetings of these groups.

In May, 1924, an International Conference on Emigration and Immigration met at Rome, on invitation of the Italian Government, and with representatives of 59 governments and international organizations in attendance. The Conference considered topics relating to the transportation of immigrants, sanitary services, collaboration of the services for the protection of immigrants, social welfare, mutuality and bases for treaties on emigration. Several recommendations were approved.

The Sixth International Conference of American States, meeting at Havana in 1928, adopted a resolution on emigration and immigration. In this resolution the Conference declared that rather than study the problem of immigration in its entirety, certain general principles should be laid down as representing the viewpoint of the American nations, as follows:

1. That conventions on emigration and immigration which may be concluded between the nations of the American continent and nations of other continents may never impose upon an American state measures tending to withdraw the emigrant from the legislation and jurisdiction of the country into which he becomes incorporated.

2. That all resolutions respecting emigration and immigration be inspired by this double principle:
   (a) Equality of civil rights as between nationals and foreigners;
   (b) The quality of freeman which should be recognized in every immigrant, the rights and dignity of human beings being respected and protected, without, however, this respect and this protection justifying any offense against the sovereignty of the country.

3. That the American states reserve the right to examine the advantages of the entry of the immigration current from other continents into their terri-

ories, adjusting their procedures to their economic, political and social interests.

The Second International Conference of Emigration and Immigration met at Havana in March-April, 1928, with official delegates of 37 governments in attendance, together with observers from other governments and international organizations. This Conference adopted a number of resolutions on the transportation and protection of emigrants; hygiene and sanitary services, medical, educational and other aid to emigrants; methods to be adopted to adjust emigration to the labor requirements of the countries of immigration; cooperation between the emigration and immigration services of the various countries; and general principles to be incorporated in immigration treaties.

The subject of immigration was also considered at the Labor Conference of the American States Members of the International Labor Organization, which met at Santiago, Chile, in January, 1936, when a resolution was adopted reading as follows:

The Labor Conference of the American States Members of the International Labor Organization RESOLVES:
1. To request the Governing Body of the International Labor Office to ask that Office to undertake special studies concerning immigration from Europe to America.

2. Those studies should be directed at the problem in its various aspects of individual immigration and collective recruiting, spontaneous or directed, and very particularly, from the point of view of the connection between immigration and colonization, private or official, showing the conditions of preparation for the reception of immigrants.

3. To request the Governing Body of the International Labor Office to place this question, when it is deemed opportune, on the agenda of the annual Conference, with the object of presenting a draft of convention or of recommendation setting forth, among other things, the bases of bilateral or multilateral treaties between European and American nations, on immigration, colonization and labor.

At the Second General Assembly of the Pan American Institute of Geography and History, held at Washington in October, 1935, a resolution was adopted recommending the establishment of a laboratory for research in Pan American population problems. The purpose of the laboratory would be to study the population history for each country and geographic section of Pan America by generations since the discovery; study current population trends in kind and number; determine causes and effects of par-

1 The resolution was approved by the Conference with reservations by the government delegates of Bolivia and Brazil.
ticular changes traced from generation to generation; and discover the technique by which countries may control their own future population in reference to numbers, race and family stock quality. In this work governmental bureaus, libraries, universities, museums, learned societies and other agencies are expected to cooperate. Pursuant to this resolution the Carnegie Institution of Washington has made a comprehensive collection and analysis of the laws and regulations governing immigration in the American republics.

**TOPIC 8 (f)**

**PROMOTION OF TRAVEL**

The economic importance of tourist travel is becoming more widely recognized in the American republics with each passing year, and during the past few years a number of nations which had formerly devoted little or no attention to promoting travel, have established national tourist commissions, launched campaigns to make their attractions better known to travelers, and in other ways begun to secure a portion of the vast amounts spent each year in foreign countries by tourists.

The promotion of travel is an activity which requires the combined efforts of official and unofficial agencies; of the governments to remove or simplify those laws and regulations which prevent tourists from entering and leaving a country without going through many irksome formalities, or which even go as far as to discourage travelers from visiting that country; and unofficial agencies to promote by the many methods at their command, the attractions for tourists to be found in their respective countries. It has been pointed out that governments could assist greatly in the promotion of travel, in those countries in which such action has not yet been taken, by making a clear distinction in their laws and regulations between immigrants and tourists. Where bona fide tourists, in order to spend a short vacation in a certain country, are compelled to go through the many formalities required of regular immigrants, it is obvious that the tourist may be very easily persuaded to visit another country where entry and departure is more simple.

Governments may further promote travel through the establishment of national tourist commissions, on which will be represented all the groups within the country interested in tourist travel, such as transportation agencies, hotels, chambers of commerce, and so forth. The national tourist commission provides the central body in which may be coordinated all the efforts for travel promotion, and is a focal point from which may emanate unified publicity and other campaigns to make the attractions of the country better known. It has been pointed out further that governments may assist in promoting travel by encouraging the development of improved and more extensive systems of transportation and communication, by aiding movements for the construction of adequate facilities for housing tourists, and by cooperating in the development of active advertising campaigns in the principal countries in which tourist travel originates.

Governments may further assist in promoting travel by establishing regulations which will protect the tourist from exploitation by the transportation, hotel and other entities with which he comes in contact; and by setting up standards of service, minimum sanitation requirements and so forth, in those places and areas usually visited by tourists.

Private agencies promoting travel, in addition to work in cooperation with governmental agencies, may assist materially not only by publicity and propaganda campaigns to bring visitors to the country, but by preparing special tours at fixed prices; providing competent and trustworthy guides at reasonable rates; and in general so conducting the tourist travel business that visitors, upon returning to their own country, will not only wish to return in the future, but will inform their friends of the many attractions, and the fair manner in which they were treated. In a number of American republics, factors such as the foregoing have been embodied in travel promotion programs which are each year attracting foreign visitors in increasing numbers; this has been especially true during the past few years, as the attractions for tourists in the Americas have become better known.

For a number of years, Pan American conferences have considered the subject of travel, the Fifth, Sixth and Seventh International Conferences of American States, the Fourth Pan American Commercial Conference, and the Pan American Commercial Conference of Buenos Aires, all adopting resolutions or taking other action looking toward the promotion of tourist travel in the Americas. The most comprehensive resolution was that adopted at the Seventh Conference at Montevideo in 1933, which recommended especially the creation of a Pan American "tourist passport"; the establishment of tourist commissions where they did not already exist; and the formulation by the Pan American Union
of a plan for the promotion of tourist travel in the Western Hemisphere.

The Pan American Commercial Conference of Buenos Aires, in 1934, pursuant to the recommendation of the Seventh Conference of Montevideo, approved a convention on a Pan American Tourist Passport and a Transit Passport for Vehicles. This convention defines the meaning of the term "tourist" and provides that each nation shall seek the elimination of taxes on tourists, and create and adopt a Pan American Tourist Passport. Each contracting state would have the right to issue this passport, in either individual or collective form, to its native-born or naturalized citizens, or to the citizens of other American countries after fulfillment of certain formalities. The passport would be issued free of charge.

Other features of the convention include provisions for special visa services; the right of the government of the country visited to retain the passport during the tourist's sojourn, a certificate to take the place of the passport until the tourist is ready to leave the country; and the establishment by each country of offices for the promotion of tourist travel.

That portion of the convention dealing with the transit of vehicles of tourists provides that bicycles, motorcycles, automobiles and airplanes being used by their owners or which accompany them for later use, are to be admitted tax-free; scientific instruments, equipment for the arts and professions as well as tourist's sporting equipment, are to be admitted free; vehicles may remain in the country visited as long as their owners; and special insignia may be issued for the vehicles admitted under the terms of this passport.

In addition to the above convention, a number of recommendations were adopted by the Conference, including one upon the definition of what constitutes an "immigrant," to which reservations were presented by Cuba, the Dominican Republic and Venezuela; on measures to control the movement of persons while in transit through one country on their journey to another nation; on the simplification or elimination of passport formalities; and on encouragement to banking establishments to spread the use of traveler's checks. There was also adopted a recommendation on travel promotion work by the Pan American Union, which is quoted later in this memorandum.

As noted above, the success of efforts to promote travel in the Americas will depend to a considerable degree on cooperation bet-

 tween all the countries, including both the official and the unofficial entities therein. This fact was realized by the delegates to the Seventh International Conference of American States when the Pan American Union was requested to formulate a plan for the promotion of tourist travel, combining the activities of the governments, transportation agencies, chambers of commerce and other interested groups in all the countries. As a first step, the Governing Board of the Pan American Union, at a meeting on May 2, 1934, approved the following resolution on tourist travel:

1. That the Governments, members of the Pan American Union, that have not yet done so, be urged to create tourist commissions, or in lieu thereof, that they designate individuals who shall act in a capacity similar to tourist commissions and who shall by such means as they have at their disposal promote tourist travel in and among the American republics.

2. That the Director General be authorized to utilize the Bulletin, and such other facilities as the Pan American Union may have at its disposal, for the dissemination of publicity material of a travel nature.

3. That the Director General be authorized, within the budgetary limitations of the Union, to utilize such members of the Staff of the Union who may be available for the service in promoting tourist travel in and among the American republics.

4. That the Director General also be authorized to communicate with, and to keep in contact with, tourist commissions, transportation companies, travel agencies, commercial associations, and other interested entities, and in conjunction with them to do everything possible to stimulate tourist travel in and among the republics, members of the Pan American Union.

To give practical effect to the ideas embodied in the above resolution of the Governing Board, there was established in the Pan American Union at the close of 1934, a Division of Travel. In carrying out its work, which has expanded rapidly since its establishment, the Travel Division maintains contact with tourist agencies; newspapers and magazines; railroad, steamship, bus and air lines; clubs, universities and colleges, and commercial associations in all the republics, members of the Union.

As a part of its work to make the attractions of the American republics better known to the public, the Travel Division prepares and issues illustrated articles and press releases; distributes descriptive folders and a wide variety of printed material giving specific travel information; and prepares, publishes and distributes to prospective travelers, special pamphlets on the American republics.

As another part of its work, the Travel Division offers an information service to persons interested in the Americas, suggesting itineraries, showing approximate travel costs and so forth.
Information is provided for travel agencies in the United States regarding Latin America which was never available previously, and this has made it much more simple for such agencies to interest prospective tourists in that area.

The Travel Division is located in a prominent hall of the Pan American Union, by which pass an average of over 500 tourists per day. Many of these visitors to Washington leave requests with the Travel Division for information on travel, and in this way a selected list containing more than 13,000 names has already been compiled. These persons, being tourists, are naturally receptive to information and attractive literature on travel, and material is sent to them from time to time.

By special arrangements with a leading motion picture concern, and with the cooperation of official and private interests in the several countries, the Travel Division has initiated the making of a series of 20 motion pictures in color and sound, showing the attractions of each country for the traveler. Up to the present time, seven pictures have been completed and the filming of the remaining 13 will continue as rapidly as circumstances will permit. It is expected to complete the series early in 1937. The series will be shown to an audience estimated at more than twenty million persons in all parts of the world.

The following recommendation on the encouragement of tourist travel in the Americas, and the part to be played by the Pan American Union, was adopted by the Pan American Commercial Conference of Buenos Aires:

The Pan American Commercial Conference Recommends:

First. To request the Pan American Union to amplify the activities of its Tourist Office, and to maintain continuous contact with the Departments, Committees or Offices having to do with tourists, of the various countries members of the Pan American Union, in order to coordinate these activities.

Second. To establish in the Pan American Union an annual publication which will contain a résumé of all the regulations and available information for the encouragement of tourist travel in the countries members of the Union.

Topic 9

Improvement of Communication Facilities

(a) Maritime Communications

The development of steamship communication facilities between the American Republics has been the subject of discussion at many Pan American conferences. As early as the First International Conference of American States of 1889, a recommendation was adopted on the granting of subsidies and other assistance to steamship lines, so as to improve and facilitate inter-American maritime communications. The subject was also considered at the Third International Conference of American States, and at the Fourth Conference of 1910 a resolution was adopted recommending that the respective states should conclude conventions among themselves, providing for direct and adequate steamship service, the vessels to be built of the highest speed and largest size consistent with economical commercial service; that vessels engaged in services established through state initiative should enjoy all the privileges at ports of call that are accorded to vessels flying the flag of such ports; and that a study be made of the possibility of establishing reciprocal liberty of commerce in coasting trade in the American Republics.

At the Fifth International Conference of American States, a resolution was adopted on the improvement of ocean transportation facilities recommending, among other things, that the development of the merchant marine of the several states should be encouraged and conventions concluded in order that inter-American maritime commerce might be governed by practical and efficient port regulations. The Sixth Conference of 1925 adopted a resolution on the establishment of steamship lines connecting all the countries of America and also on the elimination of unnecessary port formalities.

The question of maritime communications has also been considered at the several Pan American Commercial Conferences. At the Commercial Conference of Buenos Aires of 1935, a recommendation was adopted suggesting that the governments conclude bilateral or multilateral conventions with a view to granting maximum administrative facilities and advantages with regard to port dues and other levies affecting navigation to two ships from each country which fulfill certain conditions. The Conference also urged the governments to refrain from imposing special taxes or other obstacles upon maritime transportation, while another recommendation favored the conclusion of bilateral agreements with a view to encouraging and improving traffic on the navigable rivers which separate or touch two or more member nations.

Maritime communication facilities between the American Republics have improved materially within recent years. The interest evinced by governments and the increase in traffic, have contributed to improve the type of vessels engaged in these services, and the
speed of the vessels. Generally speaking, it may be said that at the present time ocean transportation, at least between the larger ports of the American Continent, is far superior to that of several decades ago, and on the whole is adequate for the requirements of inter-American commercial and passenger traffic. On the other hand, it is probable that between certain ports of the Continent existing facilities may lend themselves to further development and improvement, and it might also be observed that improvements in passenger traffic facilities would serve to stimulate a greater movement of travelers between the Republics.

Attached to this memorandum is a table showing the volume of trade between the countries, members of the Pan American Union, for the years 1932, 1933 and 1934, as well as the number of steamship lines engaged in service between the respective countries. From these tables a comparison can be drawn between the increase and decrease in the volume of trade and the number of steamship services in operation. In the large majority of cases, as the volume of goods exchanged increases, the number of steamship services increases correspondingly, and as trade diminishes the number of services also decreases. In some instances, the number of services may seem entirely out of proportion to the small volume of trade between the particular countries, as in the case of ports along the west coast of South America. This is to be explained by the fact that the steamship services in these instances are not exclusively between the ports or countries in question, but extend to other sections of the American Continent or to Europe and Asia, and the ports in question are the indirect beneficiaries of these larger and more extended services.

**VOLUME OF TRADE AND NUMBER OF STEAMSHIP SERVICES IN OPERATION BETWEEN THE AMERICAN REPUBLICS**

(Figures at the top of each column represent the average rate of exchange for the year in question expressed in U. S. currency. Free selling rates are used in each country, except where exchange control exists, in which case "official" exchange figures are given.)

**ARGENTINA**

*(Paper Pesos)*

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<th>Total trade with:</th>
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<th>1933</th>
<th>1934</th>
<th>No. of S. S. Lines 1932</th>
<th>1933</th>
<th>1934</th>
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**BOLIVIA**

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**BRAZIL**

*(Contes de Reis)*

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**CHILE**

*(Gold Pesos)*

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**COLOMBIA**

*(Peso)*

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**FOR THE MAINTENANCE OF PEACE**
### Costa Rica (Colones)

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<td>Brazil</td>
<td>1,288</td>
<td>476</td>
<td>11</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

* Not separately stated.
### PANAMA (Balboas)

<table>
<thead>
<tr>
<th>Year</th>
<th>United States</th>
<th>Cuba</th>
<th>Colombia</th>
<th>Costa Rica</th>
<th>Ecuador</th>
<th>Panama</th>
<th>Nicaragua</th>
<th>Argentina</th>
<th>Total Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>1932</td>
<td>7,035,193</td>
<td>7,084,589</td>
<td>6,478,213</td>
<td>6,375,193</td>
<td>5,849,263</td>
<td>5,037,062</td>
<td>6,246,845</td>
<td>6,181,301</td>
<td>40,923,117</td>
</tr>
<tr>
<td>1933</td>
<td>7,866,783</td>
<td>7,926,380</td>
<td>7,394,205</td>
<td>7,246,845</td>
<td>6,784,238</td>
<td>5,849,263</td>
<td>7,184,823</td>
<td>7,184,823</td>
<td>46,763,626</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>No. of S.S. Lines</th>
<th>1932</th>
<th>1933</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>33</td>
<td>45</td>
</tr>
</tbody>
</table>

### PARAGUAY (Gold Pesos)

<table>
<thead>
<tr>
<th>Country</th>
<th>Total Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>14,682,764</td>
</tr>
<tr>
<td>United States</td>
<td>366,960</td>
</tr>
<tr>
<td>Uruguay and Uruguay in transit</td>
<td>316,073</td>
</tr>
<tr>
<td>Brazil</td>
<td>78,147</td>
</tr>
<tr>
<td>Mexico</td>
<td>41,224</td>
</tr>
</tbody>
</table>

### PERU (Soles)

<table>
<thead>
<tr>
<th>Country</th>
<th>Total Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States</td>
<td>52,801,000</td>
</tr>
<tr>
<td>Chile</td>
<td>14,686,000</td>
</tr>
<tr>
<td>Argentina</td>
<td>10,300,000</td>
</tr>
<tr>
<td>Brazil</td>
<td>4,039,000</td>
</tr>
<tr>
<td>Bolivia</td>
<td>5,285,000</td>
</tr>
<tr>
<td>Colombia</td>
<td>240,000</td>
</tr>
<tr>
<td>Panama</td>
<td>261,000</td>
</tr>
<tr>
<td>Venezuela</td>
<td>17,000</td>
</tr>
<tr>
<td>El Salvador</td>
<td>72,000</td>
</tr>
<tr>
<td>Ecuador</td>
<td>890,000</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>870,000</td>
</tr>
<tr>
<td>Guatemala</td>
<td>800,000</td>
</tr>
<tr>
<td>Cuba</td>
<td>10,000</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>10,000</td>
</tr>
<tr>
<td>Honduras</td>
<td>80,000</td>
</tr>
<tr>
<td>Colombia</td>
<td>4,900</td>
</tr>
<tr>
<td>Mexico</td>
<td>4,900</td>
</tr>
</tbody>
</table>

### UNITED STATES (Dollars)

<table>
<thead>
<tr>
<th>Country</th>
<th>Total Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brazil</td>
<td>110,783,600</td>
</tr>
<tr>
<td>Cuba</td>
<td>87,063,000</td>
</tr>
<tr>
<td>Argentina</td>
<td>46,912,000</td>
</tr>
<tr>
<td>Mexico</td>
<td>69,553,000</td>
</tr>
<tr>
<td>Colombia</td>
<td>71,215,065</td>
</tr>
<tr>
<td>Venezuela</td>
<td>80,523,000</td>
</tr>
<tr>
<td>Panama</td>
<td>18,159,000</td>
</tr>
<tr>
<td>Chile</td>
<td>15,844,000</td>
</tr>
<tr>
<td>Ecuador</td>
<td>4,149,000</td>
</tr>
<tr>
<td>Honduras</td>
<td>10,156,000</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>8,109,000</td>
</tr>
<tr>
<td>Uruguay</td>
<td>9,207,000</td>
</tr>
<tr>
<td>Guatemala</td>
<td>7,321,000</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>6,722,000</td>
</tr>
<tr>
<td>El Salvador</td>
<td>6,562,000</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>6,562,000</td>
</tr>
<tr>
<td>Bolivia</td>
<td>2,165,000</td>
</tr>
<tr>
<td>Paraguay</td>
<td>281,000</td>
</tr>
</tbody>
</table>

### URUGUAY (Peso)

<table>
<thead>
<tr>
<th>Year</th>
<th>United States</th>
<th>Australia</th>
<th>Brazil</th>
<th>Chile</th>
<th>Colombia</th>
<th>Cuba</th>
<th>Dominican Republic</th>
<th>Guatemala</th>
<th>Mexico</th>
<th>Nicaragua</th>
<th>Panama</th>
<th>Paraguay</th>
<th>Peru</th>
<th>Total Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>1932</td>
<td>14,027,824</td>
<td>3,620,000</td>
<td>7,870,000</td>
<td>22,051,000</td>
<td>4,364,000</td>
<td>2,165,000</td>
<td>4,182,000</td>
<td>2,784,000</td>
<td>7,999,885</td>
<td>5,151,000</td>
<td>2,870,000</td>
<td>1,869,000</td>
<td>1,582,000</td>
<td>40,923,626</td>
</tr>
<tr>
<td>1933</td>
<td>18,881,107</td>
<td>11,121,826</td>
<td>9,588,568</td>
<td>16,584,362</td>
<td>6,018,390</td>
<td>3,086,805</td>
<td>3,593,000</td>
<td>4,009,000</td>
<td>9,209,905</td>
<td>4,022,000</td>
<td>2,811,000</td>
<td>2,038,000</td>
<td>1,847,000</td>
<td>46,976,990</td>
</tr>
</tbody>
</table>

### VENEZUELA (Bolívares)

<table>
<thead>
<tr>
<th>Year</th>
<th>United States</th>
<th>Australia</th>
<th>Brazil</th>
<th>Argentina</th>
<th>Bolivia</th>
<th>Paraguay</th>
<th>Peru</th>
<th>Total Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>1932</td>
<td>203,616,688</td>
<td>160,668,005</td>
<td>170,883,811</td>
<td>3,541,500</td>
<td>309,900</td>
<td>309,900</td>
<td>209,900</td>
<td>609,900</td>
</tr>
<tr>
<td>1933</td>
<td>256,954,000</td>
<td>170,883,811</td>
<td>209,900</td>
<td>309,900</td>
<td>309,900</td>
<td>309,900</td>
<td>209,900</td>
<td>609,900</td>
</tr>
</tbody>
</table>

### TOPIC 9 (B) THE PAN AMERICAN HIGHWAY

Interest in highway construction in all the republics of the American Continent has increased materially in recent years. Extensive highway construction programs are being carried out in many countries, involving additions to the system of internal communication facilities and of means of transportation with neighboring countries. To a large extent the building of highways has been made necessary by the rapid increase in the number of automotive vehicles in the several countries. At the same time, roads have been built and are being built to supplement existing means of communication by railway and river, and also to open up regions which heretofore have been entirely inaccessible owing to the difficult topography of the country or for other reasons.

International action to promote the construction of highways in and between the American Republics was taken at the Fifth International Conference of American States, held at Santiago, Chile, in 1923. At that time a resolution was adopted recommending that “an automobile road conference be held at the time and place which the Governing Board of the Pan American Union may determine, which shall study the most adequate means for carrying out an
efficient program for the construction of this class of roads in the various countries of America, and between such countries."

Pursuant to this recommendation, two Pan American Highway Congresses have been held, the first at Buenos Aires in 1925 with eighteen countries in attendance, and the second at Rio de Janeiro in 1929, at which nineteen countries were represented. At both of these meetings papers were presented and conclusions adopted on technical problems of road construction, legislation, finance and highway economics, international Pan American conventions and highway education, publicity and related subjects. Santiago, Chile, was designated as the seat of the Third Congress, but the Government of Chile has not yet fixed the date of meeting.

In addition to the Pan American Highway Congresses, many of the republics of the American Continent have been represented at the International Road Congresses, of which so far there have been seven. National highway congresses have been held in many countries, and permanent associations have been formed to stimulate the construction of highways and to emphasize the economic, social and political advantages of good roads.

In 1924 prior to the convocation of the First Pan American Highway Congress, a group of engineers from nineteen of the American republics visited the United States. Constituting themselves the Pan American Highway Commission, the engineers made a study and inspection tour of highways in the United States, and formulated a draft program for the first highway Congress. At the same time, the Commission laid the bases of organization of the Pan American Confederation for Highway Education, the creation of which was subsequently approved at the Buenos Aires Highway Congress. The headquarters of the Confederation are at the Pan American Union, with the Director General of the Union serving as Chairman of the Executive Committee. National Federations for Highway Education have been established in several countries. The purposes of the Confederation may be briefly summarized as follows: (1) Promotion, study and development of highways in the countries, members of the Pan American Union; (2) Establishment of an interchange of ideas and experiences relative to highway development; (3) The promotion and consultation on all road-developing activities; (4) Study of means to unite national systems to establish a Pan American highway system; (5) Cooperation in development of communications and transport; (6) Compilation and distribution of information on highway works and on international conventions on American highways; (7) Promotion of execution of resolutions of the Pan American Highway Congress; (8) Submission through the national federations, previous to each meeting of the Pan American Congresses, of a report on its activities, also of special reports prepared by national federations.

The resolution of the Fifth International Conference of American States recommending the development of highway construction programs in and between the various countries of America, was the first reference to what might be termed a Pan American Highway. A topic on the construction of a Pan American highway to unite the capitals of all the countries of the continent was included in the program of the First Highway Congress and was made the subject of discussion at Buenos Aires, although no formal resolution was adopted.

The Sixth International Conference of American States adopted a resolution recommending that the Second Pan American Highway Congress consider the question of the construction of a highway connecting the different countries of the Continent. Pursuant to this resolution the Highway Congress which met at Rio de Janeiro in 1929 recommended the development of a Pan American highway system. To this end the Governments were requested that, when planning their systems of improved highways, they should adopt routes that are most convenient for international connection, and that in the construction of their roads they should give preference to these connecting highways.

Considerable progress has already been made in all sections of the Continent in carrying out the proposal for a Pan American highway system. In a number of instances international connections already exist, but in others the national network of roads must still be linked up with those of adjacent states. In the southern part of the continent highway communication exists between Argentina and Chile, and between Argentina and Uruguay by the utilization of a ferry, and also from the latter country to Brazil. In northern South America the Bolivar Highway connects the capitals of Venezuela, Colombia and Ecuador, while in Peru extensive road building has been carried on both toward the north and the south, as well as into the interior.

The most extensive road building in an international sense has taken place from Panama northward to the United States. On July 1, 1936, the highway from Mexico City to Laredo, Texas,
was formally dedicated, although the road had been in use for many months previous. From Mexico City southward a route has been laid out for a road to the Guatemalan border, and much of it has already been completed.

In Panama and Central America a reconnaissance survey has been made of a route extending from Panama City to the Guatemalan-Mexican frontier, which will connect the capitals and principal cities of all these countries. The survey was made by engineers of the several republics, with the cooperation of highway engineers of the Bureau of Public Roads of the United States, the National Congress of which had appropriated $50,000 to provide for such cooperation. In 1936 the Congress of the United States appropriated additional sums of $1,000,000 and $75,000 for survey and construction operations and for the continuation of cooperative reconnaissance surveys. Portions of this sum are now being utilized in the construction of bridges over rivers and streams at key points along the route of the projected highway through Central America and Panama.

The following table sets forth the highway situation in the American Republics, showing total road mileage, square miles to one mile of road, total number of automobiles and automobiles per mile of road.

### AUTOMOBILES AND HIGHWAYS OF THE AMERICAN REPUBLICS

<table>
<thead>
<tr>
<th>Country</th>
<th>Road Mileage</th>
<th>Area to 1 Mile of Road</th>
<th>Automobiles to 1 Mile of Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>140,068</td>
<td>8.2</td>
<td>225,631</td>
</tr>
<tr>
<td>Bolivia</td>
<td>2,796</td>
<td>14.4</td>
<td>2,800</td>
</tr>
<tr>
<td>Brazil</td>
<td>18,795</td>
<td>25.5</td>
<td>215,625</td>
</tr>
<tr>
<td>Chile</td>
<td>24,888</td>
<td>14.8</td>
<td>322,791</td>
</tr>
<tr>
<td>Colombia</td>
<td>19,880</td>
<td>33.5</td>
<td>216,130</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>18,887</td>
<td>68.6</td>
<td>2,841</td>
</tr>
<tr>
<td>Cuba</td>
<td>2,786</td>
<td>17.4</td>
<td>27,244</td>
</tr>
<tr>
<td>Dominican Republic</td>
<td>2,796</td>
<td>71.7</td>
<td>2,800</td>
</tr>
<tr>
<td>Ecuador</td>
<td>2,796</td>
<td>71.7</td>
<td>2,800</td>
</tr>
<tr>
<td>El Salvador</td>
<td>2,796</td>
<td>71.7</td>
<td>2,800</td>
</tr>
<tr>
<td>Guatemala</td>
<td>3,497</td>
<td>12.1</td>
<td>2,800</td>
</tr>
<tr>
<td>Haiti</td>
<td>1,372</td>
<td>8.4</td>
<td>2,879</td>
</tr>
<tr>
<td>Honduras</td>
<td>1,672</td>
<td>8.2</td>
<td>2,879</td>
</tr>
<tr>
<td>Mexico</td>
<td>59,928</td>
<td>14.3</td>
<td>20,800</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>900</td>
<td>14.3</td>
<td>900</td>
</tr>
<tr>
<td>Panama and Canal Zone</td>
<td>1,046</td>
<td>8.2</td>
<td>9,896</td>
</tr>
<tr>
<td>Paraguay</td>
<td>3,726</td>
<td>14.2</td>
<td>2,800</td>
</tr>
<tr>
<td>Peru</td>
<td>12,694</td>
<td>43.5</td>
<td>14,180</td>
</tr>
<tr>
<td>United States</td>
<td>3,644,254</td>
<td>1.0</td>
<td>25,132,789</td>
</tr>
<tr>
<td>Uruguay</td>
<td>22,481</td>
<td>2.2</td>
<td>42,483</td>
</tr>
<tr>
<td>Venezuela</td>
<td>5,067</td>
<td>69.2</td>
<td>14,066</td>
</tr>
</tbody>
</table>

### TOPIC 8 (c)

**OTHER MEASURES**

Under this head reference might be made to the Pan American Railway and to the development of inter-American commercial aviation.

### PAN AMERICAN RAILWAY

At the First International Conference of American States an Intercontinental Railway Commission was appointed and a survey undertaken of a possible route for a Pan American Railway. The results of the survey and of subsequent reports, were studied at several inter-American conferences and by the Governments of the countries through which the proposed line is to pass.

The route designated in the report of the Commission envisages a project extending from New York to the Mexican border and thence through the Republics of Mexico, Guatemala, El Salvador, Honduras, Nicaragua, Costa Rica, Panama, Colombia, Ecuador, Peru, Bolivia, and Argentina to Buenos Aires; a distance of approximately 10,116 miles (16,298 kilometers). A number of branches are to connect points on the main line with various cities and areas not directly served by the proposed route. Of the total distance of 10,116 miles (16,298 kilometers) the following table shows the approximate mileage completed and that remaining to be constructed.

<table>
<thead>
<tr>
<th>Route</th>
<th>Completed</th>
<th>To Be Built</th>
</tr>
</thead>
<tbody>
<tr>
<td>New York to Guatemala</td>
<td>3,399</td>
<td></td>
</tr>
<tr>
<td>Guatemala to Panama</td>
<td>755</td>
<td>450</td>
</tr>
<tr>
<td>Panama to Puno, Peru</td>
<td>802</td>
<td>2,950</td>
</tr>
<tr>
<td>Puno to Guaqui, Bolivia</td>
<td>102</td>
<td></td>
</tr>
<tr>
<td>(Water transport on Lake Titicaca)</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Guaqui to Buenos Aires</td>
<td></td>
<td>7,126</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2,950</td>
</tr>
</tbody>
</table>

At the Seventh International Conference of American States a resolution was adopted recommending that in addition to the intercontinental line contemplated in the agreement of 1890, the countries proceed to decide upon the trunk lines of the railroad system with its corresponding branches which, while linking the inland regions of America, shall promote the colonization and exploitation of those regions possessing undeveloped natural wealth and resources, undeveloped because of their isolation and lack of means of communication. The resolution provided that this road should be named "The Pan American Central Railway," and that it should be constructed so as to serve those regions which, because of their geographic condition may become centers of population, of commerce, or of future activities; and that it shall have access to existing or future ports built on the great navigable rivers of the Orinoco, the Amazon, and the Plate river systems.
Commercial aviation between the republics of the American Continent has experienced a remarkable development during the last ten years, and has been a material factor in shortening distances and in bringing the twenty-one republics within easier reach of one another. It was not until October 19, 1927, that the first international air service in the Americas was inaugurated with the opening of a line over the 90 miles separating Havana, Cuba, and Key West, Florida. This was followed in 1929 with the inauguration of the first permanent international air transport service, which extended from Florida to the Bahamas, and to eastern Cuba, Haiti, the Dominican Republic and Puerto Rico, a total distance of 1,600 miles. Subsequently the extension of international air services progressed rapidly, until at the present time there are 22,870 miles in operation. Not only are all the nations of the American Continent in air communication with one another, but by means of services across the South Atlantic, aerial communication facilities also exist between the American Republics and the countries of Europe. The recently inaugurated service across the Pacific has also placed them in touch with the countries of Asia.

National services in the several countries, members of the Pan American Union, have also developed rapidly. The republic of Colombia has the distinction of having “the first successful commercial air line in the world,” the “Sociedad Colombo-Alemana de Transportes Aéreos” having been established there in 1919. Services in other countries soon followed, and the expansion in national air services has been especially rapid in recent years. While in 1930 national lines in Latin America were operating 14,559 miles of services, by 1936 this distance had more than doubled to a total of 36,848 miles. International services over the same period appear to show a slight decrease, but this is due to the different method by which national and international services were classified in the two years for which the data are presented. The following table reveals the progress made in the Republics of the American Continent in extending the length of air services between 1930 and 1936:

<table>
<thead>
<tr>
<th>Domestic Lines:</th>
<th>February, 1930</th>
<th>May, 1936</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>2,274</td>
<td>1,394</td>
</tr>
<tr>
<td>Bolivia</td>
<td>2,349</td>
<td>3,131</td>
</tr>
<tr>
<td>Brazil</td>
<td>1,011</td>
<td>14,821</td>
</tr>
<tr>
<td>Chile</td>
<td>1,085</td>
<td>1,627</td>
</tr>
<tr>
<td>Colombia</td>
<td>2,728</td>
<td>4,179</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>400</td>
<td>400</td>
</tr>
<tr>
<td>Cuba</td>
<td>1,070</td>
<td>1,200</td>
</tr>
<tr>
<td>Guatemala</td>
<td>240</td>
<td>240</td>
</tr>
<tr>
<td>Honduras</td>
<td>100</td>
<td>2,040</td>
</tr>
<tr>
<td>Mexico</td>
<td>4,626</td>
<td>3,280</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>314</td>
<td>292</td>
</tr>
<tr>
<td>Panama</td>
<td>47</td>
<td>47</td>
</tr>
<tr>
<td>Peru</td>
<td>2,300</td>
<td>3,047</td>
</tr>
<tr>
<td>Puerto Rico</td>
<td>100</td>
<td>12,308</td>
</tr>
<tr>
<td>United States</td>
<td>29,887</td>
<td>28,207</td>
</tr>
<tr>
<td>Venezuela</td>
<td>945</td>
<td>945</td>
</tr>
<tr>
<td>Total Domestic Lines</td>
<td>44,446</td>
<td>65,115</td>
</tr>
<tr>
<td>Total International Lines</td>
<td>22,971</td>
<td>22,870</td>
</tr>
<tr>
<td>Grand Total</td>
<td>67,417</td>
<td>87,985</td>
</tr>
</tbody>
</table>

1 The method of classifying national lines in the above table credits mileage according to the flag flown by each individual operating company. Thus, of the mileage credited to Honduras, a portion is actually operated within Guatemala, Nicaragua and El Salvador. The total mileage appears under Honduras due to the fact that one line, the Central American Air Transportation Company, is legally a Honduran organization, with headquarters in Tegucigalpa.
CHAPTER VI

INTELLECTUAL COOPERATION

TOPIC 10

MEASURES TO PROMOTE CLOSER INTELLECTUAL AND CULTURAL RELATIONS BETWEEN THE AMERICAN REPUBLICS, AND THE DEVELOPMENT OF A SPIRIT OF MORAL DISARMAMENT

I. Recent trends toward Intellectual Cooperation in the Americas

Within the last few years the concept of Intellectual Cooperation has been more clearly set forth by various international organizations. As an important objective in international rapprochement, intellectual cooperation has begun to occupy a place in the agenda of conferences and congresses, which have recently begun to explore the possibility of fostering moral disarmament through cultural interchange.

In keeping with this world-wide trend, the nations of the American continent have continued to develop the spirit and method of intellectual cooperation. Through their official international organization, the Pan American Union, they have recently held technical and scientific conferences of various types. The Second Inter-American Conference on Education was held at Santiago, Chile, in September, 1934. Its comprehensive discussions touched on many of the vital educational problems facing the American republics, such as rural education, school organization, citizenship and the teaching of history in relation to international friendship. In the following year the Third Pan American Red Cross Conference met at Rio de Janeiro, showing an interest not only in the problems of health and relief work, but also in the broad aspects of international affairs. Eighteen American states sent delegates to the Seventh Child Congress held at Mexico City. To Washington, they sent representatives who continued the work of the General Assembly of the Pan American Institute of Geography and History, organized for the collection and dissemination of data on geographic and historical studies. The Pan American Union, moreover, since the establishment of Pan American Day by resolu-

tion of the Governing Board on May 7, 1930, has made a sustained effort to give this event due significance in educational, scientific and literary circles. It has continued the broadcasting of concerts of Latin American music and has recently undertaken to survey the possibilities of increasing the use of the radio in its work.

An example of what might be done in the field of intellectual cooperation is the convention between Argentina and Brazil of 1934. This convention provides for the interchange of information and materials in literature, science and the arts; encourages study tours by the students and professors of both countries; and extends a general invitation to the other American republics to broaden the scope of the convention by adhering to it. Another important precedent set by these two nations was the signature of the convention of October 10, 1933, for the revision of history and geography texts. The convention calls for the deletion from the text books of all material which might arouse ill feeling among the youth “against any American nation.” A convention on the teaching of history was also signed at the Seventh International Conference of American States in 1933, providing for the revision of textbooks and for the founding of an “Institute for the Teaching of History,” at Buenos Aires.

Following the resolution of the Sixth International Conference of American States, and with the concurring action of the Congress of Rectors, Deans and Educators held at Habana in 1930, various countries have set up National Committees on Intellectual Cooperation. Such committees have been named by Brazil, Mexico, the United States and Venezuela and have planned extensive programs of national cultural endeavor with a distinct international bent. The National Committees are designed to cooperate through the Division of Intellectual Cooperation of the Pan American Union as a coordinating central office. In addition to this responsibility, the Division lays considerable stress on the establishment of personal contacts between intellectual workers in the American nations. It has been particularly useful to educators visiting the United States and to North American students interested in educational and cultural developments in Latin America. The Division has recently completed a survey of courses dealing with aspects of Latin American history and life given in the colleges and universities of the United States; it has fostered the circulation of books, prints and classroom materials which have been used in various exhibitions and has laid the foundation
for the development of a circulating library for use throughout the Americas. It has been asked to help in the distribution of important printed materials in various fields, copies of which have been sent to scholars and investigators interested in similar work. Within the last year the Division has also begun the publication of an informal record of inter-American cultural events, the Spanish issue appearing under the title of "Correo," and the English version under that of "Panorama."

Through non-official channels the fostering of cultural interchange has also proceeded. In 1931 the Baltimore Museum of Art organized an exhibition of the paintings of Pan American artists. The success of this pioneering effort was repeated by the Carnegie Institute of Pittsburgh when it exhibited, in 1935, the canvases of Portinari of Brazil, Correa Morales of Argentina, Orozco and Covarrubias of Mexico, and Abarca of Chile. In the field of textile design, the creations of Peruvian and Guatemalan artists have been exhibited abroad, arousing a renewed interest in the artistic accomplishments of pre-Cortesian cultures and their adaptation to modern needs by contemporary Latin American artists. In October, 1935, the Art Exposition of the Three Americas was held in Mexico City. It stressed the evolution of the popular and fine arts and crafts, folk music and native dances. Calling attention to the dynamic and creative aspects of American art, this exposition set a precedent which may well be followed in other American capitals.

In the field of music, South America has come to know the work of Francisco Curt Lange, director of the Centro de Investigaciones Musicales de Montevideo. He has stimulated the collection, organization, study and popularization of the native musical traditions of the South American peoples to the point where they have taken on an international significance. Not the least among his achievements is the publication of the Boletín Latinoamericano de Música, an invaluable work in its field which is the result of cooperation and personal contacts. In the field of radio, organizations in a number of the countries of America have undertaken the task of broadcasting musical and literary programs which will bring to the fore the works of Latin America's leading composers and men of letters.

In the field of education, there has been an increasing awareness of the contributions that the various American peoples can make. Particular interest has been shown in the progress of rural education, the fight on illiteracy, the spread of progressive methods, and the use of the radio and the moving picture in the classroom. Summer schools have become increasingly important in extending contacts between serious students of American life. The summer session of the University of Mexico has celebrated its sixteenth anniversary; while the Seminar on Mexico, under the direction of Hubert Herring, has continued through eleven seasons. Argentina, Chile, Panama and Puerto Rico have likewise established summer schools. The youngest of these, that of the University of Chile, opened in January, 1936, with an enrollment of 530 students.

In other ways the universities have endeavored to widen the possibilities of mutual aid in higher education. Argentina, Ecuador and Panama have increased the number of scholarships available to foreign students. The University of San Marcos, of Lima, Peru, and the newly-established University of Panama have created an organization that will undoubtedly prove extremely valuable in fostering cooperative solutions of pressing social and economic problems. This organization will be known as the Instituto Americano Universitario de Investigaciones. Its headquarters will be at the University of Panama, but its proposed yearly sessions will be held in rotation in the various Latin American capitals. Its program calls for cooperative planning of research projects, exchange of materials, and general coordination of scholarly undertakings.

A new and promising theme has been set by the University of Chile, whose Exposición del Libro Americano y Español will be held in the fall of 1936. The exhibition will call attention to works about the Americas and has for a definite end the strengthening of bonds between the universities of the New World. Undoubtedly it will carry on the work started by the First Exposition of the Hispanic-American Book held at Quito in August, 1935.

Nor has the interest been limited exclusively to the realm of higher education. In the elementary school level much has been done to stress the objectives of inter-American friendship through the organization of Pan American clubs and similar groups. For example, a new department has been recently added to the Institute of Educational Research in Rio de Janeiro, the express aim of which is "deliberately orienting the schools towards the formation of a new American spirit."
II. Intellectual Cooperation and Moral Disarmament.

Parallel to the increasing interest in intellectual cooperation among American republics, a similar trend has been gaining headway in Europe among members of the League of Nations. In the latter case, however, greater emphasis has been placed on moral disarmament as the aim to be achieved through an intensive program of intellectual cooperation. A brief review of recent events serve to make this clear.

Early recognition of the problem was expressed by the Conference of Press Experts held at Geneva in 1927. A resolution addressed to the press of the world called for a campaign to combat "hatred between nationalities and to prepare the way for Moral Disarmament." In May, 1931, the International Federation of League of Nations Societies, meeting at Budapest, passed resolutions relating to the importance of the press and the radio to Moral Disarmament. It was suggested that national press associations be requested to take disciplinary action against journalists circulating false or malicious accounts or documents; that machinery be set up to institute summary procedure of international inquiry in such cases; and that the various governments undertake to enact criminal legislation with the same end in view.

A number of agreements have been entered into by various nations looking to closer intellectual cooperation and moral disarmament. Among these may be cited the agreement of March, 1931, between the Reichs-Rundfunk-Gesellschaft and the Polskie Radio. By the terms of the agreement the contracting parties agreed to do all within their power to ensure that nothing broadcast over their stations whether in the field of politics, religion or economics, shall compromise in any way the spirit of cooperation and understanding.

In December, 1931, Poland and Yugoslavia agreed to create a technical commission for intellectual cooperation, with two subcommittees, one to function in each country. These subcommittees, working in close accord, were to be responsible for establishing intimate contacts between educators; coordinating standards for colleges and universities, ratings and credentials; arranging exchanges of professors and students; and translating and exchanging the most important literary, artistic and dramatic works.

In 1932 Poland urged before the League of Nations the reform of national legislation in order to take into account "the interests of international society." It suggested an international press conference specifically on Moral Disarmament; more effective work by the League of Nations in the revision of text books and the adaptation of educational practices in general; systematic use of the radio, the cinema and the stage; and the commitment of all governments to a policy of moral disarmament as the basis of international policy. Though some of the proposals contained in the Polish memorandum were well in advance of what the various states were willing to do, they nevertheless served the purpose of focusing attention upon the place of moral disarmament in international peace.

These precedents were followed by the governments of Austria and Italy, which in 1935 signed a treaty providing for an ample program of intellectual cooperation. By the terms of the treaty, interchange in science, letters and art was to be actively fostered. Institutes for the study and appreciation of Italian and Austrian culture were to be established in Rome and Vienna. Advance history courses, exchange professorships and general university interchange were provided for. The study of the German and Italian languages was to be encouraged, visiting students and teachers were to be partially exempt from matriculation and other fees, special prizes and awards were to be offered and periodic study tours were to be conducted in both countries. The use of the theater, music, painting, the cinema and the radio were strongly emphasized in the program of cultural interchange. Other interesting provisions were: the organization of concert tours; the mutual loan of archives, records and documents; and greater circulation of newspapers and magazines to be encouraged by lower postal rates.

Much of the interest thus shown in some quarters was undoubtedly due to the work of the Committee on Moral Disarmament created by the Disarmament Conference in 1932. This Committee was requested to define the scope of moral disarmament and intellectual cooperation. It discussed the use of educational methods for teaching more desirable attitudes on international relations; the use of the moving picture and the importance of the press; possibilities for legislative action and legal reforms; technical means for spreading information. A resolution was adopted by the Committee asking that any conventions on Moral Disarmament which might be drawn up for final action should stand on the same footing as provisions relating to material disarmament. Finally
the Committee drew up and submitted a draft convention in the following terms: By Article I every signatory power would agree to recommend to the competent national authorities that education at every stage, including teacher training, should be so conceived as to promote good understanding and mutual respect between peoples. Article II provided for the inclusion in all courses of study of the teaching of the principles of the peaceful settlement of disputes and the renunciation of war as an instrument of national policy. Article III would bind the signatories to contribute to an inquiry to be instituted by the Intellectual Cooperation Organization into the utilization of the cinema, the theater and radio broadcasting in the cause of international good will. Article IV called for the cooperation of all government departments in the work of moral disarmament and the creation of national committees on intellectual cooperation. Article V concluded the draft convention with a provision for periodic reports to the International Committee on Intellectual Cooperation by the various national committees set up under Article IV.

From the foregoing it is clearly seen that moral disarmament is understood as a part of the whole subject of intellectual cooperation. Intellectual cooperation, being a spirit and a method of interchange between the creative forces of mankind in its numerous and often arbitrary political and geographic divisions, must work against all the forces that periodically impede such interchange. Of these the most disastrous is war, and the object of moral disarmament is the uprooting of the more subtle causes of international friction. In general, therefore, the question of moral disarmament is very properly focused within the wider concept of intellectual cooperation.

Moral disarmament, furthermore, is a powerful factor in the problems of economic and material disarmament. At the twenty-third meeting of the Interparliamentary Union, held at Washington in 1925, M. Zameleski of Poland and Mr. R. S. Hudson of Great Britain, agreed that “all disarmament must be preceded by a change of sentiment,” and that “a moral disarmament of the world must precede its physical disarmament.” A similar view was expressed by the Committee on Moral Disarmament already referred to. The problem appears to be the control of a number of conditioning factors, such as traditional beliefs, education, propaganda, and economic well-being, which will give the majority of the people a disinclination to take arms. This condition of morally
APPENDIX A

TREATY TO AVOID OR PREVENT CONFLICTS BETWEEN THE AMERICAN STATES. SIGNED AT SANTIAGO, MAY 3, 1923

ARTICLE I

All controversies which for any cause whatsoever may arise between two or more of the High Contracting Parties and which it has been impossible to settle through diplomatic channels, or to submit to arbitration in accordance with existing treaties, shall be submitted for investigation and report to a Commission to be established in the manner provided for in Article IV. The High Contracting Parties undertake, in case of disputes, not to begin mobilization or concentration of troops on the frontier of the other Party, nor to engage in any hostile acts or preparations for hostilities, from the time steps are taken to convene the Commission until the said Commission has rendered its report or until the expiration of the time provided for in Article VII.

This provision shall not abrogate nor limit the obligations contained in treaties of arbitration in force between two or more of the High Contracting Parties, nor the obligations arising out of them.

It is understood that in disputes arising between Nations which have no general treaties of arbitration, the investigation shall not take place in questions affecting constitutional provisions, nor in questions already settled by other treaties.

ARTICLE II

The controversies referred to in Article I shall be submitted to the Commission of Inquiry whenever it has been impossible to settle them through diplomatic procedure or by submission to arbitration, or in cases in which the circumstances of fact render all negotiations impossible and there is imminent danger of an armed conflict between the Parties. Any one of the Governments directly interested in the investigation of the facts giving rise to the controversy shall apply for the convocation of a Commission of Inquiry and to this end it shall be necessary only to communicate officially this decision to the other Party and to one of the Permanent Commissions established by Article III.

ARTICLE III

Two Commissions to be designated as permanent shall be established with their seats at Washington (United States of America) and at Montevideo (Uruguay). They shall be composed of the three American diplomatic agents longest accredited in said capitals, and at the call of the Foreign Offices of those States they shall organize, appointing their respective chairmen. Their functions shall be limited to receiving from the interested Parties the request for a convocation of the Commission of Inquiry, and to notifying the other Party thereof immediately. The Government requesting the convocation shall appoint at the same time the persons who shall compose the Commission of Inquiry in representation of that Government, and the other Party shall, likewise, as soon as it receives notification, designate its members.

The Party initiating the procedure established by this Treaty may address itself, in doing so, to the permanent Commission which it considers most efficacious for a rapid organization of the Commission of Inquiry. Once the request for convocation has been received the permanent Commission has made the respective notifications the question or controversy existing between the Parties and to which no agreement has been reached, will ipso facto be suspended.

ARTICLE IV

The Commission of Inquiry shall be composed of five members, all nationals of American States, appointed in the following manner: Each Government shall appoint two at the time of convocation, only one of whom may be a national of its country. The fifth shall be chosen by common accord by those already appointed and shall perform the duties of President. However, a citizen of a nation not already represented on the Commission may be appointed on the recommendation of the Governments already represented. Any of the Governments may refuse to accept the elected member, for reasons which it may reserve to itself, and in such event a substitute shall be appointed, with the mutual consent of the Parties, within thirty days following the refusal. In the event of such refusal, the designation shall be made by the President of an American Republic not interested in the dispute, who shall be selected by lot by the Commissioners already appointed, from amongst three American Presidents who have represented no more than six American Republics. The Commission of Inquiry shall have the right to increase the number of their Commissioners, as far as it may be necessary, so that both sides in the dispute may always have equal representation on the Commission.

Once the Commission has thus been organized in the capital city, seat of the Permanent Commission which issued the order of convocation, it shall notify the respective Governments of the date of its inauguration, and it may then determine upon the place or places in which it will function, taking into account the greater facilities for investigation.

The Commission of Inquiry shall itself establish its rules of procedure. In this regard there are recommended for incorporation into said rules of procedure the provisions contained in Articles 9, 10, 11, 12 and 13 of the Convention signed in Washington, February 13, 1922, between the Government of the United States of America and the Government of the Republic of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, which appear in the appendix of this Treaty.

Its decisions and final report shall be agreed to by the majority of its members.

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

ARTICLE V

The Parties to the controversy shall furnish the antecedents and data necessary for the investigation. The Commission shall render its report within one year from the date of its inauguration. If it has been impossible to finish the investigation or draft the report within the period agreed upon, it may be extended six months beyond the period established, provided the Parties to the controversy are in agreement upon this point.

ARTICLE VI

The findings of the Commission will be considered as reports upon the disputes, which were the subjects of the investigation, but will not have the value or force of judicial decisions or arbitral awards.

ARTICLE VII

Once the report is in possession of the Governments parties to the dispute, six months' time will be available for renewed negotiations in order to bring about a settlement of the difficulties in view of the findings of said report; and if during this new term they should be unable to reach a friendly arrangement, the Parties in dispute shall recover entire liberty of action to proceed as their interests may dictate in the question dealt with in the investigation.
ARTICLE VIII

The present Treaty does not abrogate analogous conventions which may exist or may in the future exist between two or more of the High Contracting Parties, neither does it partially abrogate any of their provisions, although they may provide special circumstances or conditions differing from those herein stipulated.

ARTICLE IX

The present Treaty shall be ratified by the High Contracting Parties, in conformity with their respective constitutional procedures, and the ratifications shall be deposited in the Ministry for Foreign Affairs of the Republic of Chile, which will communicate them through diplomatic channels to the other Signatory Governments, and it shall enter into effect for the Contracting Parties in the order of ratification.

The Treaty shall remain in force indefinitely; any of the High Contracting Parties may denounce it and the denunciation shall take effect as regards the Party denouncing one year after notification thereof has been given.

Notice of the denunciation shall be sent to the Government of Chile, which will transmit it for appropriate action to the other Signatory Governments.

ARTICLE X

The American States which have not been represented in the Fifth Conference may adhere to the present Treaty, transmitting the official documents setting forth such adherence to the Ministry for Foreign Affairs of Chile, which will communicate it to the other Contracting Parties.

In witness whereof, the Plenipotentiaries and Delegates sign this Convention in Spanish, English, Portuguese and French and affix the seal of the Fifth International Conference of American States, in the city of Santiago, Chile, on the 3rd day of May in the year one thousand nine hundred and twenty-three.

This Convention shall be filed in the Ministry for Foreign Affairs of the Republic of Chile in order that certified copies thereof may be forwarded through diplomatic channels to each of the Signatory States.

NOTE: The delegation of Uruguay signed the treaty “with reservations relative to the provisions of Article I (first) in so far as they exclude from the investigation questions that affect constitutional provisions.”

APPENDIX

ARTICLE I

The Signatory Governments grant to all the Commissions which may be constituted the power to summon witnesses, to administer oaths and to receive evidence and testimony.

ARTICLE II

During the investigation the Parties shall be heard and may have the right to be represented by one or more agents and counsel.

ARTICLE III

All members of the Commission shall be heard at the highest judicial authority of the place where it may meet.

ARTICLE IV

The Inquiry shall be conducted so that both Parties shall be heard. Consequently, the Commission shall notify each Party of the statements of facts submitted by the other, and shall fix periods of time in which to receive evidence. Once the parties are notified, the Commission shall proceed to the investigation, even though they fail to appear.
ARTICLE VI
The function of the Commission, as an organ of conciliation, in all cases specified in Article II 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 8 of Article IV 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 VII
Except when the parties agree otherwise, the decisions and recommendations of any Commission of Conciliation shall be made by a majority vote.

ARTICLE VIII
The Commission described in Article II of this convention shall establish its rules of procedure. In the absence of agreement to the contrary, the procedure indicated in Article IV 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 IX
The report and the recommendations of the Commission, in so far 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 regards the exposition or interpretation of the facts or as regards questions of law.

ARTICLE X
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 XI
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 XII
The obligations set forth in the second sentence of the first paragraph of Article I 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 XIII
Once the procedure of conciliation is under way it shall be interrupted only by a direct agreement 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 XIV
Whenever for any reason the Treaty of Santiago de Chile of May 3, 1923, does not apply, the Commission referred to in Article II 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 IV 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 XV
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 XVI
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, Portuguese, and French and hereunto affix their respective seals.
Done at the city of Washington, on this 5th day of January, 1923.

APPENDIX C
GENERAL TREATY OF INTER-AMERICAN ARBITRATION.
SIGNED AT WASHINGTON, JANUARY 3, 1929
ARTICLE I
The high contracting parties bind themselves to submit to arbitration all differences of an international character which have arisen or may arise between them by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy and which are judicial in their nature by reason of being susceptible of decision by the application of the principles of law.
There shall be considered as included among the questions of juridical character:
(a) The interpretation of a treaty;
(b) Any question of international law;
(c) The existence of any fact, which, if established, would constitute a breach of an international obligation;
(d) The nature and extent of the reparation to be made for the breach of an international obligation.

The provisions of this treaty shall not preclude any of the parties, before resorting to arbitration, from having recourse to procedures of investigation and conciliation established in conventions then in force between them.

ARTICLE II

There are excepted from the provisions of this treaty the following controversies:
(a) Those which are within the domestic jurisdiction of any of the parties to the dispute and are not controlled by international law; and
(b) Those which affect the interest or refer to the action of a State not a party to this treaty.

ARTICLE III

The arbitrator or tribunal who shall decide the controversy shall be designated by agreement of the parties.

In the absence of an agreement the following procedure shall be adopted:

Each party shall nominate two arbitrators, of whom only one may be a national of said party or selected from the persons whom said party has designated as members of the Permanent Court of Arbitration at The Hague. The other member may be of any other American nationality. These arbitrators shall in turn select a fifth arbitrator who shall be the president of the court.

Should the arbitrators be unable to reach an agreement among themselves for the selection of a fifth American arbitrator, or in lieu thereof, of another who is not, each party shall designate a non-American member of the Permanent Court of Arbitration at The Hague, and the two persons so designated shall select the fifth arbitrator, who may be of any nationality other than that of a party to the dispute.

ARTICLE IV

The parties to the dispute shall formulate by common accord, in each case, a special agreement which shall clearly define the particular subject matter of the controversy, the seat of the court, the rules which will be observed in the proceedings, and the other conditions to which the parties may agree.

If an accord has not been reached with regard to the agreement within three months reckoned from the date of the installation of the court, the agreement shall be formulated by the court.

ARTICLE V

In case of death, resignation or incapacity of one or more of the arbitrators the vacancy shall be filled in the same manner as the original appointment.

ARTICLE VI

When there are more than two States directly interested in the same controversy, and the interests of two or more of them are similar, the State or States which are on the same side of the question may increase the number of arbitrators on the court, provided that in all cases the parties on each side of the controversy shall appoint an equal number of arbitrators. There shall also be a presiding arbitrator selected in the same manner as that provided in the last paragraph of Article III; the parties on each side of the controversy being regarded as a single party for the purpose of making the designation therein described.

RESERVATIONS

VENEZUELA

The delegation of Venezuela signs the present treaty of arbitration with the following reservations:
First. There shall be excepted from this treaty those matters which, according to the constitution or the laws of Venezuela, are under the jurisdiction of its courts; and especially those matters relating to pecuniary claims of foreigners. In such matters arbitration shall not be resorted to except when legal remedies having been exhausted by the claimant, it shall appear that there has been a denial of justice.

Second. There shall also be excepted those matters controlled by international agreements now in force.

CHILE

Chile does not accept obligatory arbitration for questions which have their origin in situations or acts anterior to the present treaty, nor does it accept obligatory arbitration for those questions which, being under the exclusive
competency of the national jurisdiction, the interested parties claim the right to withdraw from the cognizance of the established judicial authorities, unless said authorities decline to pass judgment on any action or exception which any natural or juridical foreign person may present to them in the form established by the laws of the country.

BOLIVIA

The delegation of Bolivia, in accordance with the doctrine and policy invariably maintained by Bolivia in the field of international jurisprudence, gives full adherence to and signs the General Treaty of Inter-American Arbitration which the Republics of America are to sanction, formulating the following express reservations:

First. There may be excepted from the provisions of the present agreement, questions arising from acts occurring or conventions concluded before the said treaty goes into effect, as well as those which, in conformity with international law, are under the exclusive jurisdiction of the State.

Second. It is also understood that, for the submission to arbitration of a territorial controversy or dispute, the zone to which the said arbitration is to apply must be previously determined in the arbitral agreement.

URUGUAY

I vote in favor of the treaty of arbitration, with the reservation formulated by the delegation of Uruguay at the Fifth Pan American Conference, favoring broad arbitration; and with the understanding that arbitration will be resorted to only in case of denial of justice, when the national tribunals have jurisdiction, according to the legislation of their own country.

COSTA RICA

Reservations of Costa Rica:

(a) The obligations contracted under this treaty do not annul, abrogate, or restrict the arbitration conventions which are now in force between Costa Rica and another or others of the high contracting parties and do not involve arbitration, disavowal, or renewed discussion of questions which may have already been settled by arbitral awards.

(b) The obligations contracted under this treaty do not involve the arbitration of judgments handed down by the courts of Costa Rica in civil cases which may be submitted to them and with regard to which the interested parties have recognized the jurisdiction of said courts.

HONDURAS

The delegation of Honduras, in signing the present treaty, formulates an express reservation making it a matter of record that the provisions thereof shall not be applicable to pending international questions or controversies or to those which may arise in the future relative to acts prior to the date on which the said treaty goes into effect.

GUATEMALA

The delegation of Guatemala makes the following reservations:

1. In order to submit to arbitration any questions relating to the boundaries of the nation, the approval of the legislative assembly must first be given, in each case, in conformity with the constitution of the Republic.

2. The provisions of the present convention do not alter or modify the conventions and treaties previously entered into by the Republic of Guatemala.

ECUADOR

The delegation of Ecuador, pursuant to instructions of its Government, reserves from the jurisdiction of the obligatory arbitration agreed upon in the present treaty:

FOR THE MAINTENANCE OF PEACE

1. Questions at present governed by conventions or treaties now in effect;

2. Those which may arise from previous causes or may result from acts preceding the signature of this treaty;

3. Pecuniary claims of foreigners who may not have previously exhausted all legal remedies before the courts of justice of the country, it being understood that such is the interpretation and the extent of the application which the Government of Ecuador has always given to the Buenos Aires Convention of August 11, 1910.

COLOMBIA

The delegation of Colombia signs the foregoing convention, with the following two declarations or reservations:

First. The obligations which the Republic of Colombia may contract thereby refer to the differences which may arise from acts subsequent to the ratification of the convention;

Second. Except in the case of a denial of justice, the arbitration provided for in this convention is not applicable to the questions which may have arisen or which may arise between a citizen, an association, or a corporation of one of the parties and the other contracting State when the judges or courts of the latter State are, in accordance with its legislation, competent to settle the controversy.

PARAGUAY

Reservation of the delegation of Paraguay:

I sign this treaty with the reservation that Paraguay excludes from its application questions which directly or indirectly affect the integrity of the national territory and are not merely questions of frontiers or boundaries.

MEXICO

Mexican reservation:

Mexico makes the reservation that differences, which fall under the jurisdiction of the courts, shall not form a subject of the procedure provided for by the convention, except in case of denial of justice, and until after the judgment passed by the competent national authority has been placed in the class of res judicata.

EL SALVADOR

The delegation of El Salvador to the Conference on Conciliation and Arbitration assembled in Washington accepts and signs the General Treaty of Inter-American Arbitration concluded this day by said conference, with the following reservations or restrictions:

1. After the words of paragraph 1 of Article I reading: "under treaty or otherwise," the following words are to be added: "subsequent to the present convention." The article continues without any other modification.

2. Paragraph 1 of Article II is accepted by the delegation without the final words which read: "and are not controlled by international law," which should be considered as eliminated.

3. This treaty does not include controversies or differences with regard to points or questions which, according to the political constitution of El Salvador, must not be submitted to arbitration, and

4. Pecuniary claims against the nation shall be decided by its judges and courts, since they have jurisdiction thereof, and recourse shall be had to international arbitration only in the cases provided in the constitution and laws of El Salvador, that is in cases of denial of justice or unusual delay in the administration thereof.
DOMINICAN REPUBLIC

The Dominican Republic, in signing the General Treaty of Inter-American Arbitration, does so with the understanding that controversies relating to questions which are under the jurisdiction of its courts shall not be referred to arbitral jurisdiction except in accordance with the principles of international law.

APPENDIX D

PROTOCOL OF PROGRESSIVE ARBITRATION
SIGNED AT WASHINGTON, JANUARY 5, 1929

Whereas, a General Treaty of Inter-American Arbitration has this day been signed at Washington by Plenipotentiaries of 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;

Whereas, that treaty by its terms excepts certain controversies from the stipulations thereof;

Whereas, by means of reservations attached to the treaty at the time of signing, ratifying or adhering, certain other controversies have been or may be also excepted from the stipulations of the treaty or reserved from the operation thereof;

Whereas, it is deemed desirable to establish a procedure whereby such exceptions or reservations may from time to time be abandoned in whole or in part by the Parties to said treaty, thus progressively extending the field of arbitrations;

The Governments named above have agreed as follows:

ARTICLE I

Any Party to the General Treaty of Inter-American Arbitration signed at Washington the fifth day of January, 1929, may at any time deposit with the Department of State of the United States of America an appropriate instrument evidencing that it has abandoned in whole or in part the exceptions from arbitration stipulated in the said treaty or the reservation or reservations attached to it thereto.

ARTICLE II

A certified copy of each instrument deposited with the Department of State of the United States of America pursuant to the provisions of Article I of this protocol shall be transmitted by the same Department through diplomatic channels to every other Party to the above-mentioned General Treaty of Inter-American Arbitration.

In witness whereof, the above-mentioned Plenipotentiaries have signed this protocol in English, Spanish, Portuguese, and French and hereunto affix their respective seals.

APPENDIX E

ADDITIONAL PROTOCOL TO THE GENERAL CONVENTION OF INTER-AMERICAN CONCILIATION. SIGNED AT MONTEVIDEO, DECEMBER 25, 1933

The High Contracting Parties of the General Convention of Inter-American Conciliation of the 5th of January, 1920, convinced of the undeniable advantage of giving a permanent character to the Commissions of Investigation and Conciliation to which Article II of said Convention refers, agree to add to the aforementioned Convention the following and additional Protocol.

ARTICLE I

Each country signatory to the Treaty signed in Santiago, Chile, the 5th of May, 1929, shall name, as soon as possible, by means of a bilateral agreement which shall be recorded in a simple exchange of notes with each one of the other signatories of the aforementioned Treaty, those members of the various commissions provided for in Article IV of said Treaty. The commissions so named shall have a permanent character and shall be called Commissions of Investigation and Conciliation.

ARTICLE II

Any of the contracting parties may replace the members which have been designated, whether they be nationals or foreigners; but, at the same time, the substitute shall be named. In case the substitution is not made, the replacement shall not be effective.

ARTICLE III

The commissions organized in fulfillment of Article III of the aforementioned Treaty of Santiago, Chile, shall be called Permanent Diplomatic Commissions of Investigation and Conciliation.

ARTICLE IV

To secure the immediate organization of the commissions mentioned in the first Article hereof, the High Contracting Parties engage themselves to notify the Pan American Union at the time of the deposit of the ratification of the present Additional Protocol in the Ministry of Foreign Relations of the Republic of Chile, the names of the two members whose designation they are empowered to make by Article IV of the Convention of Santiago, Chile, and said members, so named, shall constitute the members of the Commissions which are to be organized with bilateral character in accordance with this Protocol.

ARTICLE V

It shall be left to the Governing Board of the Pan American Union to initiate measures for bringing about the nomination of the fifth member of each Commission of Investigation and Conciliation in accordance with the stipulation established in Article IV of the Convention of Santiago, Chile.

ARTICLE VI

In view of the character which this Protocol has as an addition to the Convention of Conciliation of Washington, of January 5, 1929, the provision of Article XVI of said Convention shall be applied thereto.

In witness whereof, the Plenipotentiaries hereafter indicated, have set their hands and their seals to this Additional Protocol in English and Spanish, in the city of Montevideo, Republic of Uruguay, this twenty-sixth day of the month of December in the year nineteen hundred and thirty-three.

APPENDIX F

ANTI-WAR TREATY OF NON-AGGRESSION AND CONCILIATION
SIGNED AT RIO DE JANEIRO, OCTOBER 10, 1933

The states designated below, in the desire to contribute to the consolidation of peace, and to express their adherence to the efforts made by all civilized nations to promote the spirit of universal harmony;

FOR THE MAINTENANCE OF PEACE
To the end of condemning wars of aggression and territorial acquisitions that may be obtained by armed conquest, making them impossible and establishing their invalidity through the positive provisions of this treaty, and in order to replace them with pacific solutions based on lofty concepts of justice and international law,

Convinced that one of the most effective means of assuring the moral and material benefits which peace offers to the world, is the organization of a permanent system of conciliation for international disputes, to be applied immediately on the violation of the principles mentioned;

Furthermore to put into effect the aims of non-aggression and concord in conventional form by concluding the present treaty, to which end they have appointed the undersigned plenipotentiaries, who, having exhibited their respective full powers, found to be in good and due form, have agreed upon the following:

ARTICLE I

The high contracting parties solemnly declare that they condemn wars of aggression in their mutual relations or in those with other states, and that the settlement of disputes or controversies of any kind which may arise among them shall be effected only by the pacific means which have the sanction of international law.

ARTICLE II

They declare that as between the high contracting parties territorial questions must not be settled by violence, and that they will not recognize any territorial arrangement which is not obtained by pacific means, nor the validity of the occupation or acquisition of territories which may be brought about by force of arms.

ARTICLE III

In case of noncompliance, by any state engaged in a dispute, with the obligations contained in the foregoing articles, the contracting states undertake to make every effort for the maintenance of peace. To that end they will adopt those measures as neutral and simple as the selection of a third party to the arbitration of the parties, as well as the suspension of the commercial and economic relations. If the adopting of this course will not result in the conclusion of a pacific settlement, the parties will resort to arbitration, either diplomatic or armed, subject to the attitude that may be incumbent on them by virtue of other collective treaties to which such states are signatories.

ARTICLE IV

The high contracting parties obligate themselves to submit to the conciliation proceeding established by this treaty the disputes specially mentioned and any others in their mutual relations which, in the opinion of the parties or of the conciliation commission, have not been possible to settle by diplomatic means within a reasonable period of time.

ARTICLE V

The high contracting parties and the parties which may in the future adhere to this treaty may not formulate, at the time of signature, ratification, or adherence, other limitations to the conciliation proceeding than those which are indicated below:

(a) Differences for the solution of which treaties, conventions, pacts, or pacific agreements of any kind whatever may have been concluded, which in no case shall be considered as annulled by this agreement, but supplemented thereby insofar as they tend to assure peace, as well as the questions or matters settled by previous treaties;

(b) Disputes which the parties prefer to settle by direct settlement or submit by common agreement to an arbitral or judicial solution;

(c) Questions which international law leaves to the exclusive competence of each state, under its constitutional system, for which reason the parties may object to their being submitted to the conciliation proceeding before the national or local jurisdiction has decided definitively; except in the case of manifest denial or delay of justice, in which case the conciliation proceeding shall be initiated within a year at the latest;

(d) Matters which affect constitutional precepts of the parties to the controversy. In case of doubt, each party shall obtain the reasoned opinion of its respective tribunal or supreme court of justice, if the latter should be invested with such powers.

The high contracting parties may communicate, at any time and in the manner provided for by Article XV, an instrument stating that they have abandoned wholly or in part the limitations established by them in the conciliation proceeding.

The effect of the limitations formulated by one of the contracting parties shall be that the other parties shall not consider themselves obligated in regard to that party save in the measure of the exceptions established.

ARTICLE VI

In the absence of a permanent conciliation commission or of some other international organization charged with this mission by virtue of previous treaties in effect, the high contracting parties undertake to submit their differences to the examination and investigation of a conciliation commission which shall be formed as follows, unless there is an agreement to the contrary of the parties in each case;

The conciliation commission shall consist of five members. Each party to the controversy shall designate a member, who may be chosen by it from among its own nationals. The three remaining members shall be designated by common agreement by the parties from among the nationals of third powers, who must be of different nationalities, must not have their customary relations in the territory of the interested parties, nor be in the service of any of them. The parties shall choose the president of the conciliation commission from among the said three members.

If they cannot arrive at an agreement with regard to such designations, they must entrust the selection to a neutral third party or to some other existing international organism. If the candidates so designated are rejected by the parties or by any one of them, each party shall present a list of candidates equal in number to that of the members to be selected, and the names of those to sit on the conciliation commission shall be determined by lot.

ARTICLE VII

The tribunals or supreme courts of justice which, in accordance with the domestic legislation of each state, may be competent to interpret, in the last or the sole instance and in matters under their respective jurisdiction, the constitution, treaties, or the general principles of the law of nations, may be designated preferentially by the high contracting parties to discharge the duties entrusted by the present treaty to the conciliation commission. In this case the tribunal or court may function as a whole or may designate some of its members to proceed alone or by forming a mixed commission with members of other courts or tribunals, as may be agreed upon by common accord between the parties to the dispute.

ARTICLE VIII

The conciliation commission shall establish its own rules of procedure, which shall provide in all cases for hearing both sides.

The parties to the controversy may furnish, and the commission may require from them, all the antecedents and information necessary. The parties may have themselves represented by delegates and assisted by advisers or experts, and also present evidence of all kinds.

ARTICLE IX

The labor and deliberations of the conciliation commission shall not be made public except by a decision of its own to that effect, with the assent of the parties.
In the absence of stipulation to the contrary, the decisions of the commission shall be made by a majority vote, but the commission may not pronounce judgment on the substance of the case except in the presence of all its members.

ARTICLE X
It is the duty of the commission to secure the conciliatory settlement of the disputes submitted to its consideration.
After an impartial study of the questions in dispute, it shall set forth in a report the outcome of its work and shall propose to the parties bases of settlement by means of a just and equitable solution.
The report of the commission shall in no case have the character of a final decision or arbitral award either with respect to the exposition or interpretation of the facts, or with regard to the considerations or conclusions of law.

ARTICLE XI
The conciliation commission must present its report within 1 year, counting from its first meeting, unless the parties should agree by common accord to shorten or extend this period.
The conciliation procedure, having been once begun, may be interrupted only by a direct settlement between the parties or by their subsequent decision to submit the dispute by common accord to arbitration or to international justice.

ARTICLE XII
In communicating its report to the parties, the conciliation commission shall fix for them a period, which shall not exceed 6 months, within which they must decide as to the bases of the settlement it has proposed. On the expiration of this term, the commission shall record in a final act the decision of the parties.
This period having expired without acceptance of the settlement by the parties, or the adoption by common accord of another friendly solution, the parties to the dispute shall regain their freedom of action to proceed as they may see fit within the limitations flowing from articles I and II of this treaty.

ARTICLE XIII
From the initiation of the conciliatory procedure until the expiration of the period fixed by the commission for the parties to make a decision, they must abstain from any measure prejudicial to the execution of the agreement that may be proposed by the commission and, in general, from any act capable of aggravating or prolonging the controversy.

ARTICLE XIV
During the conciliatory procedure the members of the commission shall receive honoraria the amount of which shall be established by common agreement by the parties to the controversy. Each of them shall bear its own expenses and a moiety of the joint expenses or honoraria.

ARTICLE XV
The present treaty shall be ratified by the high contracting parties as soon as possible, in accordance with their respective constitutional procedures.
The original treaty and the instruments of ratification shall be deposited in the Ministry of Foreign Relations and Worship of the Argentine Republic, which shall communicate the ratifications to the other signatory states. The treaty shall go into effect between the high contracting parties 30 days after the deposit of the respective ratifications, and in the order in which they are effected.

ARTICLE XVI
This treaty shall remain open to the adherence of all states. Adherence shall be effected by the deposit of the respective instrument in

the Ministry of Foreign Relations and Worship of the Argentine Republic, which shall give notice thereof to the other interested states.

ARTICLE XVII
The present treaty is concluded for an indefinite time, but may be denounced by 1 year's notice, on the expiration of which the effects thereof shall cease for the denouncing state, and remain in force for the other states which are parties thereto, by signature or adherence.
The denunciation shall be addressed to the Ministry of Foreign Relations and Worship of the Argentine Republic, which shall transmit it to the other interested states.
In witness whereof, the respective plenipotentiaries sign the present treaty in one copy, in the Spanish and Portuguese languages, and affix their seals thereto, at Rio de Janeiro, D. F., on the tenth day of the month of October, nineteen hundred and thirty-three.

APPENDIX G
PACIFIC SETTLEMENT OF INTERNATIONAL DISPUTES
GENERAL ACT
(Formulated by the Assembly of the League of Nations and opened to the adherence of all countries, September 28, 1928.)
(Adhesions: All provisions of this Act have been adhered to by Australia, Belgium, Canada, Denmark, Estonia, Finland, France, Great Britain, Greece, India, Irish Free State, Italy, Luxembourg, New Zealand, Norway, Peru, and Spain. Chapters II and III have also been adhered to by the Netherlands and Sweden.)

CHAPTER I
Conciliation

ARTICLE I
Disputes of every kind between two or more Parties to the present General Act which it has not been possible to settle by diplomacy shall, subject to such reservations as may be made under Article 38, be submitted, under the conditions laid down in the present Chapter, to the procedure of conciliation.

ARTICLE II
The disputes referred to in the preceding article shall be submitted to a permanent or special Conciliation Commission constituted by the parties to the dispute.

ARTICLE III
On a request to that effect being made by one of the Contracting Parties to another Party, a permanent Conciliation Commission shall be constituted within a period of six months.

ARTICLE IV
Unless the parties concerned agree otherwise, the Conciliation Commission shall be constituted as follows:
The Commission shall be composed of five members. The parties shall each nominate one commissioner, who may be chosen from among their respective nationals. The three other commissioners, shall be appointed by agreement from among the nationals of third Powers. These three commissioners must be of different nationalities and must not be habitually resident in the territory
nor be in the service of the parties. The parties shall appoint the President of the Commission from among them.

2. The commissioners shall be appointed for three years. They shall be re-eligible. The commissioners appointed jointly may be replaced during the course of their mandate by agreement between the parties. Either party may, however, at any time replace a commissioner whom it has appointed. Even if replaced, the commissioners shall continue to exercise their functions until the termination of the work in hand.

3. Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed for the nominations.

ARTICLE V

If, when a dispute arises, no permanent Conciliation Commission appointed by the parties is in existence, a special commission shall be constituted for the examination of the dispute within a period of three months from the date at which a request to that effect is made by one of the parties to the other party. The necessary appointments shall be made in the manner laid down in the preceding article, unless the parties decide otherwise.

ARTICLE VI

1. If the appointment of the commissioners to be designated jointly is not made within the periods provided for in Articles III and V, the making of the necessary appointments shall be entrusted to a third Power, chosen by agreement between the parties, or on request of the parties, to the Acting President of the Council of the League of Nations.

2. If no agreement is reached on either of these procedures, each party shall designate a different Power, and the appointment shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers have been unable to reach an agreement, each of them shall submit a number of candidates equal to the number of members to be appointed. It shall then be decided by lot which of the candidates thus designated shall be appointed.

ARTICLE VII

1. Disputes shall be brought before the Conciliation Commission by means of an application addressed to the President by the parties acting in agreement, or in default thereof by one or other of the parties.

2. The application, after giving a summary account of the subject of the dispute, shall contain the invitation to the Commission to take all necessary measures with a view to arriving at an amicable solution.

3. If the application emanated from only one of the parties, the other party shall, without delay, be notified by it.

ARTICLE VIII

1. Within fifteen days from the date on which a dispute has been brought by one of the parties before a permanent Conciliation Commission, either party may replace its own commissioner, for the examination of the particular dispute, by a person possessing special competence in the matter.

2. The party making use of this right shall immediately notify the other party; the latter shall, in such case, be entitled to take similar action within fifteen days from the date on which it received the notification.

ARTICLE IX

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall meet at the seat of the League of Nations, or at some other place selected by its President.

2. The Commission may, in all circumstances, request the Secretary-General of the League of Nations to afford it his assistance.

ARTICLE X

The work of the Conciliation Commission shall not be conducted in public unless a decision to that effect is taken by the Commission with the consent of the parties.

ARTICLE XI

1. In the absence of agreement to the contrary between the parties, the Conciliation Commission shall lay down its own procedure, which in any case must provide for both parties being heard. In regard to enquiries, the Commission, unless it decides unani mously to the contrary, shall act in accordance with the provisions of Part III of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes.

2. The parties shall be represented before the Conciliation Commission by agents, whose duty shall be to act as intermediaries between them and the Commission; they may, moreover, be assisted by counsel and experts appointed by them for that purpose and may request that all persons whose evidence appears to them desirable shall be heard.

3. The Commission, for its part, shall be entitled to request oral explanations from the agents, counsel and experts of both parties, as well as from all persons it may think desirable to summon with the consent of their Governments.

ARTICLE XII

In the absence of agreement to the contrary between the parties, the decisions of the Conciliation Commission shall be taken by a majority vote, and the Commission may only take decisions on the substance of the dispute if all its members are present.

ARTICLE XIII

The parties undertake to facilitate the work of the Conciliation Commission, and particularly to supply it to the greatest possible extent with all relevant documents and information, as well as to use the means at their disposal to allow it to proceed in their territory, and in accordance with their law, to the summoning and hearing of witnesses or experts and to visit the localities in question.

ARTICLE XIV

1. During the proceedings of the Commission, each of the commissioners shall receive emoluments the amount of which shall be fixed by agreement between the parties, each of which shall contribute an equal share.

2. The general expenses arising out of the working of the Commission shall be divided in the same manner.

ARTICLE XV

1. The task of the Conciliation Commission shall be to elucidate the questions in dispute, to collect with that object all necessary information by means of enquiry or otherwise, and to endeavor to bring the parties to an agreement. It may, after the case has been examined, inform the parties of the terms of settlement which seem suited to it, and lay down the period within which they are to make their decision.

2. At the close of its proceedings, the Commission shall draw up a proces verbal stating, as the case may be, either that the parties have come to an agreement and, if need arises, the terms of the agreement, or that it has been impossible to effect a settlement. No mention shall be made in the proces verbal of whether the Commission's decisions were taken unanimously or by a majority vote.

3. The proceedings of the Commission must, unless the parties otherwise agree, be terminated within six months from the date on which the Commission shall have been given cognizance of the dispute.
ARTICLE XVI
The Commission's procès-verbal shall be communicated without delay to the parties. The parties shall decide whether it shall be published.

CHAPTER II
Judicial Settlement

ARTICLE XVII
All disputes with regard to which the parties are in conflict as to their rights shall, subject to any reservations which may be made under Article 39, be submitted for decision to the Permanent Court of International Justice, unless the parties agree, in the manner hereinafter provided, to have resort to an arbitral tribunal.

It is understood that the disputes referred to above include in particular those mentioned in Article 36 of the Statute of the Permanent Court of International Justice.

ARTICLE XVIII
If the parties agree to submit the disputes mentioned in the preceding article to an arbitral tribunal, they shall draw up a special agreement in which they shall specify the subject of the dispute, the arbitrators selected, and the procedure to be followed. In the absence of sufficient particulars in the special agreement, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary. If nothing is laid down in the special agreement as to the rules regarding the substance of the dispute to be followed by the arbitrators, the tribunal shall apply the substantive rules enumerated in Article 38 of the Statute of the Permanent Court of International Justice.

ARTICLE XIX
If the parties fail to agree concerning the special agreement referred to in the preceding article, or fail to appoint arbitrators, either party shall be at liberty, after giving three months' notice, to bring the dispute by an application direct before the Permanent Court of International Justice.

ARTICLE XX
1. Notwithstanding the provisions of Article 17 arising between parties who have acceded to the obligations contained in the present chapter shall only be subject to the procedure of conciliation if the parties so agree.

2. The obligation to resort to the procedure of conciliation remains applicable to disputes which are excluded from judicial settlement only by the operation of reservations under the provisions of Article 30.

3. In the event of recourse to end failure of conciliation, neither party may bring the dispute before the Permanent Court of International Justice or call for the constitution of the arbitral tribunal referred to in Article 18 before the expiration of one month from the termination of the proceedings of the Conciliation Commission.

CHAPTER III
Arbitration

ARTICLE XXI
Any dispute not of the kind referred to in Article 17 which does not within the month following the termination of the work of the Conciliation Commission provided for in Chapter I, form the object of an agreement between the parties, may, subject to such reservations as may be made under Article 39, be brought before an arbitral tribunal which, unless the parties otherwise agree, shall be constituted in the manner set out below.

ARTICLE XXII
The Arbitral Tribunal shall consist of five members. The parties shall each nominate one member, who may be chosen from among their respective nationals. The two other arbitrators and the Chairman shall be chosen by common agreement from among the nationals of third Powers. They must be of different nationalities and must not be habitually resident in the territory nor be in the service of the parties.

ARTICLE XXIII
1. If the appointment of the members of the Arbitral Tribunal is not made within a period of three months from the date on which one of the parties requested the other party to constitute an arbitral tribunal, a third Power, chosen by agreement between the parties, shall be requested to make the necessary appointments.

2. If no agreement is reached on this point, each party shall designate a different Power, and the appointments shall be made in concert by the Powers thus chosen.

3. If, within a period of three months, the two Powers so chosen have been unable to reach an agreement, the necessary appointments shall be made by the President of the Permanent Court of International Justice. If the latter is prevented from acting or is a subject of one of the parties, the nomination shall be made by the Vice-President. If the latter is prevented from acting or is a subject of one of the parties, the appointments shall be made by the oldest member of the Court who is not a subject of either party.

ARTICLE XXIV
Vacancies which may occur as a result of death, resignation or any other cause shall be filled within the shortest possible time in the manner fixed by the nominations.

ARTICLE XXV
The parties shall draw up a special agreement determining the subject of the disputes and the details of procedure.

ARTICLE XXVI
In the absence of sufficient particulars in the special agreement regarding the matters referred to in the preceding article, the provisions of the Hague Convention of October 18th, 1907, for the Pacific Settlement of International Disputes shall apply so far as is necessary.

ARTICLE XXVII
Failing the conclusion of a special agreement within a period of three months from the date on which the Tribunal was constituted, the dispute may be brought before the Tribunal by an application by one or other party.

ARTICLE XXVIII
If nothing is laid down in the special agreement or no special agreement has been made, the Tribunal shall apply the rules in regard to the substance of the dispute enumerated in Article 38 of the Statute of the Permanent Court of International Justice. In so far as there exists no such rule applicable to the dispute, the Tribunal shall decide ex aequo et bono.
CHAPTER IV
General Provisions

ARTICLE XXIX

1. Disputes for the settlement of which a special procedure is laid down in other conventions in force between the parties to the dispute shall be settled in conformity with the provisions of those conventions.

2. The present General Act shall not affect any agreements in force by which conciliation procedure is established between the Parties or they are bound by obligations to resort to arbitration or judicial settlement which ensure the settlement of the dispute. If, however, these agreements provide only for a procedure of conciliation, after such procedure has been followed without result, the provisions of the present General Act concerning judicial settlement or arbitration shall be applied in so far as the parties have acceded thereto.

ARTICLE XXX

If a party brings before a Conciliation Commission a dispute which the other party, relying on conventions in force between the parties, has submitted to the Permanent Court of International Justice or an Arbitral Tribunal, the Commission shall defer consideration of the dispute until the Court or the Arbitral Tribunal has pronounced upon the conflict of competence. The same rule shall apply if the Court or the Tribunal is seized of the case by one of the parties during the conciliation proceedings.

ARTICLE XXXI

1. In the case of a dispute occasion of which, according to the municipal law of one of the parties, falls within the competence of its judicial or administrative authorities, the parties may object to the matter in dispute being submitted for settlement by the different methods laid down in the present General Act until a decision with final effect has been pronounced, within a reasonable time, by the competent authority.

2. In such a case, the party which desires to resort to the procedures laid down in the present General Act must notify the other party of its intention within a period of one year from the date of the aforementioned decision.

ARTICLE XXXII

If, in a judicial sentence or arbitral award, it is declared that a judgment, or a measure enjoined by a court of law or other authority of one of the parties to the dispute, is wholly or in part contrary to international law, and if the constitutional law of that party does not permit or only partially permits the consequences of the judgment or measure in question to be annulled, the parties agree that the judicial sentence or arbitral awards shall grant the injured party equitable satisfaction.

ARTICLE XXXIII

1. In all cases where a dispute forms the object of arbitration or judicial proceedings, and particularly if the question on which the parties differ arises out of acts already committed or on the point of being committed, the Permanent Court of International Justice, acting in accordance with Article 41 of its Statute, or the Arbitral Tribunal, shall lay down within the shortest possible time the provisional measures to be adopted. The parties to the dispute shall be bound to accept such measures.

2. If the dispute is brought before a Conciliation Commission, the latter may recommend to the parties the adoption of such provisional measures as it considers suitable.

3. The parties undertake to abstain from all measures likely to react prejudicially upon the execution of the judicial or arbitral decision or upon the arrangements proposed by the Conciliation Commission and, in general, to abstain from any sort of action whatsoever which may aggravate or extend the dispute.

ARTICLE XXXIV

Should a dispute arise between more than two Parties to the present General Act, the following rules shall be observed for the application of the forms of procedure described in the foregoing provisions:

(a) In the case of conciliation procedure, a special commission shall invariably be constituted. The composition of such commission shall differ according as the parties all have separate interests or as two or more of their number act together.

In the former case, the parties shall each appoint one commissioner and shall jointly appoint commissioners nationals of third Powers not parties to the dispute, whose number shall always exceed by one the number of commissioners appointed separately by the parties.

In the second case, the parties who act together shall appoint their commissioner jointly by agreement between themselves and shall combine with the other party or parties in appointing third commissioners.

In either event, the parties, unless they agree otherwise, shall apply Article 5 and the following articles of the present Act, so far as they are compatible with the provisions of the present article.

(b) In the case of judicial procedure, the Statute of the Permanent Court of International Justice shall apply.

(c) In the case of arbitral procedure, if agreement is not secured as to the composition of the tribunal, in the case of the disputes mentioned in Article 17 each party shall have the right, by means of an application, to submit the dispute to the Permanent Court of International Justice; in the case of the disputes mentioned in Article 22 and following articles, the parties shall apply, but each party having separate interests shall appoint one arbitrator and the number of arbitrators separately appointed by the parties to the dispute shall always be one less than that of the other arbitrators.

ARTICLE XXXV

1. The present General Act shall be applicable as between the Parties thereto, even though a third Power, whether a party to the Act or not, has an interest in the dispute.

2. In conciliation procedure, the parties may agree to invite such third Power to intervene.

ARTICLE XXXVI

1. In judicial or arbitral procedure, if a third Power should consider that it has an interest of a legal nature which may be affected by the decision in the case, it may submit to the Permanent Court of International Justice or to the arbitral tribunal a request to intervene as a third Party.

2. It will be for the Court or the tribunal to decide upon this request.

ARTICLE XXXVII

1. Whenever the construction of a convention to which States other than those concerned in the case are parties is in question, the Registrar of the Permanent Court of International Justice or the arbitral tribunal shall notify all the other States forthwith.

2. Every State so notified has the right to intervene in the proceedings; but, if it uses this right, the construction given by the decision will be binding upon it.

ARTICLE XXXVIII

Accessions to the present General Act may extend:

A. Either to all the provisions of the Act (Chapters I, II, III and IV);
B. Or to those provisions only which relate to conciliation and judicial settlement (Chapters I and II), together with the general provisions dealing with these procedures (Chapter IV);
C. Or to those provisions only which relate to conciliation (Chapter I), together with the general provisions concerning that procedure (Chapter IV).

The contracting Parties may benefit by the accessions of other Parties only in so far as they have themselves assumed the same obligations.

**ARTICLE XXXIX**

1. In addition to the power given in the preceding article, a Party, in acceding to the present General Act, may make its acceptance conditional upon the reservations exhaustively enumerated in the following paragraph. These reservations must be indicated at the time of accession.

2. These reservations may be such as to exclude from the procedure described in the present Act:
   a. Disputes arising out of facts prior to the accession either of the Party making the reservation or of any other Party with whom the said Party may have a dispute;
   b. Disputes concerning questions which by international law are solely within the domestic jurisdiction of States;
   c. Disputes concerning particular cases or clearly specified subjects, such as territorial status, or disputes falling within clearly defined categories.

3. If one of the parties to a dispute has made a reservation, the other parties may enforce the same reservation in regard to that party.

4. In the case of Parties who have acceded to the provisions of the present General Act relating to judicial settlement or to arbitration, such reservations as they may have made shall, unless otherwise expressly stated, be deemed not to apply to the procedure of conciliation.

**ARTICLE XL**

A Party whose accession has been only partial, or was made subject to reservations, may at any moment, by means of a simple declaration, either extend the scope of his accession or abandon all or part of his reservations.

**ARTICLE XLI**

Disputes relating to the interpretation or application of the present General Act, including those concerning the classification of disputes and the scope of reservations, shall be submitted to the Permanent Court of International Justice.

**ARTICLE XLII**

The present General Act, of which the French and English texts shall both be authentic, shall bear the date of the 26th of September, 1923.

**ARTICLE XLIII**

1. The present General Act shall be open to accession by all the Heads of States or other competent authorities of the Members of the League of Nations and the non-Member States to which the Council of the League of Nations has communicated a copy for this purpose.

2. The instruments of accession and the additional declarations provided for by Article 40 shall be transmitted to the Secretary-General of the League of Nations, who shall notify their receipt to all the Members of the League and to the non-Member States referred to in the preceding paragraph.

3. The Secretary-General of the League of Nations shall draw up three lists, denominated respectively by the letters A, B and C, corresponding to the three forms of accession to the present Act provided for in Article 38, in which shall be shown the accessions and additional declarations of the Contracting Parties. These lists, which shall be continually kept up to date, shall be published in the annual report presented to the Assembly of the League of Nations by the Secretary-General.

**ARTICLE XLIV**

1. The present General Act shall come into force on the ninetieth day following the receipt by the Secretary-General of the League of Nations of the accession of not less than two Contracting Parties.

2. Accessions received after the entry into force of the Act, in accordance with the previous paragraph, shall become effective as from the ninetieth day following the date of receipt by the Secretary-General of the League of Nations. The same rule shall apply to the additional declarations provided for by Article 40.

**ARTICLE XLV**

1. The present General Act shall be concluded for a period of five years, dating from its entry into force.

2. It shall remain in force for further successive periods of five years in the case of Contracting Parties which do not denounce it at least six months before the expiration of the current period.

3. Denunciation shall be effected by a written notification addressed to the Secretary-General of the League of Nations, who shall inform all the Members of the League and non-Member States referred to in Article 43.

4. A denunciation may be partial only, or may consist in notification of reservations not previously made.

5. Notwithstanding denunciation by one of the Contracting Parties concerned in a dispute, all proceedings pending at the expiration of the current period of the General Act shall be duly completed.

**ARTICLE XLVI**

A copy of the present General Act, signed by the President of the Assembly and by the Secretary-General of the League of Nations, shall be deposited in the archives of the Secretariat; a certified true copy shall be delivered by the Secretary-General to all the Members of the League of Nations and to the non-Member States indicated by the Council of the League of Nations.

**ARTICLE XLVII**

The present General Act shall be registered by the Secretary-General of the League of Nations on the date of its entry into force.

**APPENDIX II**

**CONVENTION FOR THE CONSTITUTION OF A CENTRAL AMERICAN COURT OF JUSTICE. SIGNED AT WASHINGTON, DECEMBER 20, 1907**

The Governments of the Republics of Costa Rica, Guatemala, Honduras, Nicaragua and Salvador, for the purpose of effacing the doubts and maintaining peace and harmony in their relations, without being obliged to resort in any case to the employment of force, have agreed to conclude a Convention for the constitution of a Court of Justice charged with accomplishing such high aims, and, to that end, have named as Delegates, etc.

**ARTICLE I**

The High Contracting Parties agree by the present Convention to constitute and maintain a permanent tribunal which shall be called the "Central American Court of Justice", to which they bind themselves to submit all controversies
or questions which may arise among them, of whatsoever nature and no matter what their origin may be, in case the respective Departments of Foreign Affairs should not have been able to reach an understanding.

**ARTICLE II**

This Court shall also take cognizance of the questions which individuals of one Central American country may raise against any of the other contracting Governments, because of the violation of treaties or conventions, and other cases of an international character; no matter whether their own Government supports said claim or not; and provided that the remedies which the laws of the respective country provide against such violation shall have been exhausted or that denial of justice shall have been shown.

**ARTICLE III**

It shall also have jurisdiction over cases arising between any of the contracting Governments and individuals, when by common accord they are submitted to it. (The text of this article appears as corrected by an additional Protocol of the same date.)

**ARTICLE IV**

The Court can likewise take cognizance of the international questions which by special agreement any one of the Central American Governments and a foreign Government may have determined to submit to it.

**ARTICLE V**

The Central American Court of Justice shall sit at the City of Cartago in the Republic of Costa Rica, but it may temporarily transfer its residence to another point in Central America whenever it deems it expedient for reasons of health, or in order to insure the exercise of its functions, or of the personal safety of its members.

**ARTICLE VI**

The Central American Court of Justice shall consist of five Justices, one being appointed by each Republic and selected from among the jurists who possess the qualifications which the laws of each country prescribe for the exercise of high judicial office, and who enjoy the highest consideration, both because of their moral character and their professional ability. Vacancies shall be filled by substitute Justices, named at the same time and in the same manner as the regular Justices and who shall unite the same qualifications as the latter.

The attendance of the five justices who constitute the Tribunal is indispensable in order to make a legal quorum in the decisions of the Court.

**ARTICLE VII**

The Legislative Power of each of the five contracting Republics shall appoint their respective Justices, one regular and two substitutes.

The salary of each Justice shall be eight thousand dollars, gold, per annum, which shall be paid by the Treasury of the Court. The salary of the Justice of the country where the Court resides shall be fixed by the Government thereof. Furthermore, each State shall contribute two thousand dollars, gold, annually toward the ordinary and extraordinary expenses of the Tribunal. The Governments of the contracting Republics bind themselves to include their respective contributions in their estimates of expenses and to remit quarterly in advance to the Treasury of the Court the share they may have to bear on account of such services.

**ARTICLE VIII**

The regular and substitute Justices shall be appointed for a term of five years, which shall be counted from the day on which they assume the duties of their office, and they may be reelected.

**ARTICLE IX**

The regular and substitute Justices shall take oath or make affirmation prescribed by law before the authority that may have appointed them, and shall enjoy the immunities and prerogatives which the present Convention confers upon them. The regular Justices shall likewise enjoy thenceforth the salary fixed in Article VII.

**ARTICLE X**

Whilst they remain in the country of their appointment the regular and substitute Justices shall enjoy the personal immunity which the respective laws grant to the magistrates of the Supreme Court of Justice, and in the other contracting Republics they shall have the privileges and immunities of Diplomatic Agents.

**ARTICLE XI**

The office of Justice whilst held is incompatible with the exercise of his profession, and with the holding of public office. The same incompatibility applies to the substitute Justices so long as they may actually perform their duties.

**ARTICLE XII**

At its first annual session the Court shall elect from among its own members a President and Vice-President; it shall organize the personnel of its office by designating a Clerk, a Treasurer, and such other subordinate employees as it may deem necessary, and it shall draw up the estimate of its expenses.

**ARTICLE XIII**

The Central American Court of Justice represents the national conscience of Central America, wherefore the Justices who compose the Tribunal shall not consider themselves barred from the discharge of their duties, from the interest which the Republics, to which they owe their appointment, may have in any case or question. With regard to allegations of personal interest, the rules of procedure which the Court may fix, shall make proper provision.

**ARTICLE XIV**

When differences or questions subject to the jurisdiction of the Tribunal arise, the interested party shall present a complaint which shall comprise all the points of fact and law relative to the matter, and all pertinent evidence. The Tribunal shall communicate without loss of time a copy of the complaint to the Governments or individuals interested, and shall invite them to furnish their observations and evidence within the term that it may designate to them, which, in no case, shall exceed sixty days counted from the date of notice of the complaint.

**ARTICLE XV**

If the term designated shall have expired without answer having been made to the complaint, the Court shall require the complainant or complainants to do so within a further term of at least twenty days, after the expiration of which and in view of the evidence presented and of such evidence as it may ex officio have seen fit to obtain, the Tribunal shall render its decision in the case, which decision shall be final.

**ARTICLE XVI**

If the Government, Governments, or individuals sued shall have appeared in time before the Court, presenting their allegations and evidence, the Court shall decide the matter within thirty days following; without further process or proceedings; but if a new term for the presentation of evidence be solicited,
the Court shall decide whether or not there is occasion to grant it; and in
the affirmative it shall fix therefor a reasonable time. Upon the expiration
of such term, the Court shall pronounce its final judgment within thirty days.

**ARTICLE XVII**

Each one of the Governments or individuals directly concerned in the ques-
tions to be considered by the Court has the right to be represented before it by
a trustworthy person or persons, who shall present evidence, formulate argu-
ments, and shall, within the terms fixed by this Convention and by the rules of
the Court of Justice do everything that in their judgment shall be beneficial
to the defense of the rights they represent.

**ARTICLE XVIII**

From the moment in which any suit is instituted against any one or more
governments up to that in which a final decision has been pronounced, the
court may not the solicitation of any one of the parties fix the situation in
which the contending parties must remain, to the end that the difficulty shall
not be aggravated and that things shall be conserved in *status quo* pending a
final decision.

**ARTICLE XIX**

For all the effects of this Convention, the Central American Court of Justice
may address itself to the Governments or tribunals of Justice of the contracting
States, through the medium of the Ministry of Foreign Relations or the office of
the Clerk of the Supreme Court of Justice of the respective country, accord-
ing to the nature of the requisite proceeding, in order to have the measures
that it may dictate within the scope of its jurisdiction carried out.

**ARTICLE XX**

It may also appoint special commissioners to carry out the formalities above
referred to, when it deems expedient for their better fulfillment. In such
case, it shall ask of the Government where the proceeding is to be held, its
cooperation and assistance, in order that the Commissioner may fulfill his
mission. The contracting Governments formally bind themselves to obey and
to enforce the orders of the Court, furnishing all the assistance that may be
necessary for their best and most expeditious fulfillment.

**ARTICLE XXI**

In deciding points of fact that may be raised before it, the Central American
Court of Justice shall be governed by its free judgment, and with respect to
points of law, by the principles of International Law. The final judgment
shall cover each one of the points in litigation.

**ARTICLE XXII**

The Court is competent to determine its jurisdiction, interpreting the
Treaties and Conventions germane to the matter in dispute, and applying the
principles of international law.

**ARTICLE XXIII**

Every final or interlocutory decision shall be rendered with the concurrence
of at least three of the Justices of the Court. In case of disagreement, one of
the substitute Justices shall be chosen by lot, and if still a majority of three
be not thus obtained other Justices shall be successively chosen by lot until
three uniform votes shall have been obtained.

**ARTICLE XXIV**

The decisions must be in writing and shall contain a statement of the
reasons upon which they are based. They must be signed by all the Justices
of the Court and countersigned by the Clerk. Once they have been notified

they can not be altered on any account; but, at the request of any of the
parties, the Tribunal may declare the interpretation which must be given to
its judgments.

**ARTICLE XXV**

The judgments of the Court shall be communicated to the five Governments
of the contracting Republics. The interested parties solemnly bind themselves
to submit to said judgments, and all agree to lend all moral support that may
be necessary in order that they may be properly fulfilled, thereby constituting a
real and positive guarantee of respect for this Convention and for the Central
American Court of Justice.

**ARTICLE XXVI**

The Court is empowered to make its rules, to formulate the rules of pro-
cedure which may be necessary, and to determine the forms and terms not
prescribed in the present Convention. All the decisions which may be rendered
in this respect shall be communicated immediately to the High Contracting
Parties.

**ARTICLE XXVII**

The High Contracting Parties solemnly declare that on no ground nor in
any case will they consider the present Convention as void; and that, there-
fore, they will consider it as being always in force during the term of ten years
from the last ratification. In the event of the change or alteration of the
political status of one or more of the Contracting Republics, the func-
tions of the Central American Court of Justice created by this Convention
shall be suspended *ipso facto*; and a conference to adjust the constitution of
said Court to the new order of things shall be forthwith convened by the
respective Governments; in case they do not unanimously agree the present
Convention shall be considered as rescinded.

**ARTICLE XXVIII**

The exchange of ratifications of the present Convention shall be made in
accordance with Article XXI of the General Treaty of Peace and Amity
concluded on this date.

**PROVISIONAL ARTICLE**

As recommended by the five Delegations an Article is annexed which contains
an amplification of the jurisdiction of the Central American Court of Justice,
in order that the Legislatures may, if they see fit, include it in this Convention
upon ratifying it.

**ANNEXED ARTICLE**

The Central American Court of Justice shall also have jurisdiction over the
conflicts which may arise between the Legislative, Executive and Judicial
Powers, and when as a matter of fact the judicial decisions and resolutions of
the National Congress are not respected.

**APPENDIX I**

**COSTA RICAN PLAN FOR A PAN AMERICAN COURT OF JUSTICE**

Submitted to the Fifth International Conference of American States, and
Referred to the International Commission of Jurists

The Governments of the Republics of ...............................with a view to avoiding by
peaceful means the conflicts which may result in wars, as also to contribute
toward the maintenance of peace, friendship, and harmony, which ought to
exist between the nations of a continent, have decided to conclude a treaty for
the realization of such noble purposes, and have therefore appointed the fol-


lowing delegates. Who, assembled in the Fifth International Conference of American States, held at Santiago, Chile, after having presented their respective credentials, which were found to be in due form and order, have agreed upon the following:

ARTICLE I

The high contracting parties agree to constitute and maintain a permanent court of justice, to which they bind themselves to submit all the differences that may occur between them, in case their respective ministries of foreign affairs may not have been able to reach an agreement.

ARTICLE II

The court will also hear international questions which any of the adhering governments and a non-adhering nation, by special convention, may have agreed to submit to it.

ARTICLE III

The court will be formed by judges chosen by a majority of the members of the supreme court of each of the signatory States, one for each State, from among the jurists who may have the qualifications required for the office, and who are noted for their personal integrity, as well as for their knowledge of international law. The vacancies will be filled by substitute judges named at the same time and in the same way as the permanent judges, and must have the same qualifications as the former.

ARTICLE IV

The International Court of Justice of America will have its seat at, but it may temporarily transfer its headquarters when the necessities of justice so require.

ARTICLE V

The permanent and substitute judges will be appointed for a period of ten years, counting from the day they assume their duties, and can not be reelected.

In the case of death, resignation, or inability of any of them, the Supreme Court of the respective State shall proceed to name a substitute and the new judge will continue in the period of his predecessor.

ARTICLE VI

The general expenses of the court will be shared equally by the signatory nations; and the expenses arising from each particular case will be paid as may be decided by the court. When a question be submitted to it in which one of the parties has not adhered to the treaty, it will be admitted after it has been agreed that the State against which sentence may be given, obliges itself to pay the amount of the award and costs, which the court may deem necessary.

The legislative authority of each of the high contracting parties will fix the salary of the respective judges at the beginning of the period referred to in the preceding article, and can not alter same until the following period.

The signatory governments will assign the necessary items in their yearly budgets, as well as the amount required for the expenses of the court, and they must remit in advance to the secretarial department of same, quarterly instalments for the salaries and expenses.

ARTICLE VII

The court is authorized to establish the procedure to be followed by the parties, as well as causes for challenging, excusing, or impeding the capacity of the judges. Likewise, it will appoint the members of its governing board and will establish its internal regulations, determining the formalities and time limits that may be necessary and which are not provided for in this treaty.
ARTICLE XV

This treaty shall be ratified as soon as possible in accordance with the constitutional provisions of the high contracting parties, and will become effective by an exchange of ratifications through the Pan American Union at Washington, in whose archives there will be deposited authentic copies in Spanish, English, Portuguese, and French.

The Republics of America not ratifying this covenant or which may not have been represented at the Fifth International Conference may adhere to the stipulations of the present treaty at any time by ordering the official notification that their respective constitutional authorities have ratified it.

APPENDIX J

CONVENTION FOR THE ESTABLISHMENT OF AN INTERNATIONAL CENTRAL AMERICAN TRIBUNAL. SIGNED AT WASHINGTON, FEBRUARY 7, 1923.

The Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua and Costa Rica, for the purpose of efficiently guaranteeing their rights and inalterably maintaining peace and harmony in their relations without being obliged to resort in any case to the employment of force, have agreed to conclude a Convention for the Establishment of an International Central American Tribunal and, to that end, have named as delegates: ................. etc.

After having communicated to one another their respective full powers, which have been found to be in due form, the Delegates of the five Central American Povars assembled in the Conference on Central American Affairs at Washington, have agreed to carry out the said proposal in the following manner:

ARTICLE I

1. The Contracting Parties agree to submit to the International Tribunal established by the present Convention all controversies or questions which now exist between them or which may hereafter arise, whether the same arise out of the exercise of the rights or origin, by the event that they have failed to reach an understanding through diplomatic channels, or have not accepted some other form of arbitration, or have not agreed to submit said questions or controversies to the decision of another tribunal. Nevertheless, the questions or controversies which affect the sovereign and independent existence of any of the signatory Republics cannot be the object of arbitration or complaint.

2. The Parties agree that the decision of the International Tribunal established by the present Convention with regard to the questions submitted to it shall be considered as final, irrevocable, without appeal, and binding upon the countries submitting disputes, should such decisions be rendered within the time stipulated in the protocol or in the rules of procedure applicable to the cases as prescribed in Article XIX. The judgment of the International Tribunal established by the present Convention shall be null and void, and any one of the Parties, which may have an interest in the controversy may refuse to comply with it, in the following cases:

a. When the tribunal shall not have been organized in strict accordance with this Convention.

b. When in summoning the Parties before the Tribunal or in the presentation of evidence, the provisions of this Convention or of the Rules of Procedure contained in Annexes A and B shall not have been observed.

3. The sentence of the Tribunal shall be null and void and open to revision when submitted by the arbitrators who have sat in judgment on the case fall within any of the disqualifications enumerated in Article XX.

4. The Parties shall likewise have the right to demand the revision of the judgment on the ground of the discovery of a new fact calculated to exercise a decisive influence upon the award and one which was unknown to the Tribunal and to the party which demanded the revision at the time the discussion was closed.

ARTICLE II

The Members of the Tribunal referred to in Article I shall be selected from a permanent list of thirty jurists composed as follows:

Each of the Contracting Parties shall designate six persons; of these six persons, four shall be nationals, and shall be designated by the President of the Republic with the assent of the National Congress or of the Senate, if such Senate is not elected by the people; the other two shall be chosen by the aforementioned President and, if he does not make the selection, the others shall be chosen by the contracting parties designated by the Contracting Parties shall be communicated to the Ministry of Foreign Affairs of the Republic by the Government which names them. The Ministry of Foreign Affairs of Honduras shall transmit the complete list to each of the signatory Republics.

Each alteration which may be made in the list of jurists shall be communicated by the respective Government to the Ministry of Foreign Affairs of Honduras and by this to the Contracting Parties, and to the Governments which may have presented the lists of Candidates.

The term of service of the members of the permanent list of jurists shall be five years, to be counted from the date when their appointment shall have been communicated to the Ministry of Foreign Affairs of Honduras by the respective Government. They may be re-elected, and they shall not be removed except in the cases provided for by law, or by the death, resignation or other causes by which the terms of the office of the jurists shall expire.

The changes which may occur in the permanent list of jurists by the expiration of the term of service or for any other cause, shall not prevent the Arbitrators who may be forming part of a Tribunal from continuing to discharge the functions in the specific case submitted to them for their consideration until said case shall have been decided.

ARTICLE III

The Contracting Parties shall request the Government of the United States of America to submit them a list of fifteen jurists for the purposes stated in Article II. For this same object each of the Contracting Parties shall request the Government of the Latin American Republic which each may choose, with the exception of those of Central America, to submit to it another list of five jurists of the nationality of said Latin American Government. These lists shall be submitted to all the Contracting Parties, and each Ministry of Foreign Affairs shall communicate to the Minister for Foreign Affairs of Honduras the names of the jurists chosen by his Government. None of the jurists proposed in the said lists may be nominated by more than one of the Contracting Parties, and in the event that one of them should be selected by two or more of said Parties, preference shall be given to the prior nomination. In such a case the Ministry of Foreign Affairs of Honduras shall inform the respective Governments which appointment is valid and which Government should make a new appointment. When the Government of Honduras shall have received notification of the nominations made by all the Contracting Parties and shall in its turn have made its appointments, said Government shall directly so advise the same Contracting Parties, as well as the Governments which have submitted the lists.

ARTICLE IV

The four national members of the permanent list of jurists nominated by each Republic shall meet the qualifications required by the laws of each country to be Judge of the Supreme Court, and they shall enjoy the highest reputation, both for their moral qualities and for their professional ability.
ARTICLE V

The jurists included in the lists referred to in Article III shall meet any one of the following requirements:

They must be or have been Heads of States, Cabinet Ministers, members of the highest Court of Justice in their country, or Ambassadors or Ministers Plenipotentiary, provided they are not or have never been accredited to any of the Contracting Parties, Governments, or members of some International Court, or representatives of their Government before such courts.

The list presented by the Government of the United States of America may contain also the names of counsel who are entitled to practice before the Supreme Court of the United States, and of Professors of International Law, as well as those named by each country, shall be persons of the highest reputation, both for their moral qualities and for their professional competency.

ARTICLE VI

The Office of Diplomatic Representative to one of the Republics of Central America shall be incompatible with that of Arbitrator, provided said Representative is not a citizen of one of the other Central American Republics. Said disability shall not apply to any other public office whatsoever.

All members of the permanent list shall enjoy the rank, privileges and immunities of Ministers Plenipotentiary in the Contracting Republics, but only from the date of their designation to membership on the Tribunal established by this Convention and until one month after the termination of the sessions of said Tribunal.

ARTICLE VII

Whenever, in conformity with the provisions of Article I, it should become necessary, to convene the Tribunal instituted by this Convention, to take cognizance of any dispute or disputes which are not of the Contracting Parties may wish to submit to its decision, the following procedure shall be pursued:

a. The Contracting Party which may desire to have recourse to the Tribunal, shall advise the Party or Parties with which it proposes to enter into litigation, so that within sixty days following the date when they may have received this notification they should proceed to sign a protocol in which the subject of the dispute or disputes shall be clearly set forth. The protocol shall likewise state the date upon which the Arbitrators must be appointed, and the place where they shall meet, and the special powers which may be given to the Tribunal, and any other conditions upon which the Parties may agree.

b. After the protocol shall have been signed, each Party to the Controversy shall select an Arbitrator from the permanent lists of jurists, but it shall not name any of the jurists whom said Party may have included in the aforementioned list. Another Arbitrator shall be selected at will and by common accord, by the interested Governments; should the said Governments fail to agree on the selection, the third Arbitrator shall be chosen by the Arbitrators already appointed. If said Arbitrators should also fail to agree, the aforementioned third Arbitrator shall be designated by lot, to be drawn by the Arbitrators already appointed. In the case of agreements, the third Arbitrator shall be chosen from the jurists, on the list referred to in Article II, who have not been included in said list by any of the interested Parties. Whenever the third Arbitrator should be chosen by lot, he shall be of a different nationality than that of either of the other two.

Whenever two or more laws in litigation should have a common interest in the controversy, they shall be considered as constituting a single Party in the matter for the purposes of the organization of the Tribunal.

ARTICLE VIII

Any of the Contracting Parties which may believe exhausted the other methods of agreement or adjustment referred to in Article I, for the settlement of any disputes which it may have pending with one or more of the same Contracting Parties, shall so inform said Party or Parties, to the end that within sixty days following the date on which the latter shall have received this notification the respective protocol may be signed. If within this period of time said protocol shall not have been signed, owing to lack of common accord or some other reason, then the same Contracting Party may request the organization of the Tribunal to which this Convention refers, in the following manner:

It shall notify the other Party or Parties of its intention, communicating to them at the same time the name of the arbitrator it has appointed and the place where it desires the Tribunal to sit. The Parties notified, in their turn, shall appoint their arbitrator within thirty days following the receipt of this notification. Should they fail to do so, the appointment shall be made by lot at the request of the Party seeking the organization of the Tribunal, by any of the Presidents of the Contracting Republics, who are not interested in the dispute, within thirty days subsequent to the date upon which the request was received and from among the jurists included in the permanent list, who would be eligible for appointment by the Party itself, if it were to make such appointment.

If fifteen days after the appointment of the arbitrators by each of the Parties in litigation, the said Parties shall not have agreed upon the place in which the arbitration is to be held, nor upon the manner of drawing lots to determine said place, as provided for by Article XII, then such drawing of lots shall be conducted by any of the Presidents of the Central American Republics not interested in the controversy within fifteen days subsequent to the expiration of the above-mentioned fifteen days upon the request of any of the litigant Parties and in the presence of representatives of the litigant Parties, should such representatives have been appointed by them.

The two arbitrators shall meet thirty days after the receipt of notice of the last appointment, if both arbitrators reside in Central America, and sixty days after the receipt of said notice, if either of them resides in another country. If fifteen days after the expiration of these periods the interested Governments have not agreed on the selection of the third arbitrator, the two appointees shall make said selection within the next eight days and if no agreement is reached within this period, they shall proceed within the next three days to the drawing of lots provided in Article VII.

The third arbitrator shall proceed to the seat of the Tribunal within periods of time equal in duration to those fixed in this article for the attendance of the other arbitrators, to be counted, however, from the date upon which he may have received notice of his appointment by one of the Parties.

No two arbitrators of the same nationality may sit upon the Tribunal and none of the parties may elect an arbitrator who shall have been included by it in the permanent list of jurists.

ARTICLE IX

Each of the Parties shall have the right to challenge not more than two of those persons who may be designated by lot to discharge the office of third arbitrator in the cases of Articles VII and VIII.

ARTICLE X

In all cases mentioned in Articles VII and VIII, the third arbitrator shall always be the President of the Tribunal.

ARTICLE XI

After the Tribunal shall have been organized in the manner prescribed in Article VIII, the interested Party shall present a complaint which should include all the points of fact and of law relating to the case. The Tribunal shall not entertain, without loss of time, a copy of the complaint to the Government or Governments against whom the complaint may have been brought.
and it shall invite them to present their allegations and evidence within the period of time fixed by the Rules of Procedure.

**ARTICLE XII**

The Tribunal shall sit at the place agreed on by the Parties in litigation, and if no agreement should be reached thereon, it shall sit at the Capital of any of the Central American Republics which may have no interest in the controversy. The selection of said Capital shall be made by lot drawn by the said Parties in the presence of the said drawing of lots, the procedure prescribed in Article XVIII shall be followed.

Whenever it judges that circumstances make it necessary the Tribunal shall have the power to order its removal to another locality outside of the territorial limits of the Parties in litigation.

**ARTICLE XIII**

Within the limitations laid down in Article I, the Tribunal shall be empowered to determine its competency by interpreting the Treaties and Conventions relative to the matter in controversy and applying the principles of international law.

**ARTICLE XIV**

Every decision of the Tribunal shall be rendered by a majority of votes.

**ARTICLE XV**

Failure to attend on the part of any of the three arbitrators within the stated periods of time shall be deemed sufficient cause for his substitution. If he is one of those appointed by one of the Parties, the successor must reach the seat of arbitration not later than thirty days after his appointment. If he is the third arbitrator, the period will be sixty days.

If after the Tribunal is organized any of the arbitrators should fail to appear because of death, resignation or any other cause, his successor shall be chosen in the same manner provided for in this Convention and he shall proceed to take his place in the Tribunal within the same periods of time aforementioned.

**ARTICLE XVI**

The Parties to the dispute shall likewise have the right, after the Tribunal has been organized in conformity with Article XVIII, and before one of them has filed its complaint, to entrust to the Tribunal, by common accord, the drawing up of a protocol defining clearly the question or questions at issue. If disagreement among the Parties should prevent the negotiation of the protocol, any of them shall have the right to file complaint immediately, in accordance with Article XI.

**ARTICLE XVII**

Whenever, in the judgment of one of the Parties to the controversy, the question or questions at issue affect the material interests of one or more of the Signatory Republics, which are not Parties to said controversy, the latter shall not participate in the appointment or in the selection by lot of the arbitrators, nor of the seat of the Tribunal, and none of the persons included by said Republic or Republics in the permanent list of jurists, who may be nationals thereof, shall be a member of this Tribunal. Moreover, said Republic or Republics shall not be chosen as the seat of the aforementioned Tribunal.

**ARTICLE XVIII**

The Parties in litigation may be represented before the Court of Arbitration by agents, as they may desire, but the members of the permanent list of jurists shall not appear as counsel or representatives of any Party before the Tribunal organized by this Convention except in defense of the interests of the nation which may have included them in said permanent list.

**ARTICLE XIX**

The rules of Arbitration procedure laid down in Articles 63 to 84, both inclusive, of the Convention for the Pacific Settlement of International Disputes signed at The Hague, October eighteenth, nineteen hundred and seven, are hereby appended as Annex A to this Convention, and, unless the litigants by common accord should decide otherwise, said rules shall apply in all the cases of arbitration comprised in Article VII of the present Convention.

In the case of complaint contemplated in Article XI, the rules of procedure of the Tribunal shall be those which appear as Annex B to this same Convention.

**ARTICLE XX**

Members of the Tribunal are barred from the exercise of their functions in any matters in which they may have material interest or in relation to which they may have appeared in any capacity before a National Tribunal, a Tribunal of Arbitration or of any other character, or before a Commission of Inquiry. This disability shall apply also whenever said members have acted as counsel or agents of any of the Parties, or have rendered a professional opinion.

**ARTICLE XXI**

From the moment when in conformity with the provisions of Article VIII, a complaint has been lodged against one or more of the Contracting Parties, the Tribunal shall have the right to determine, at the request of any of the Parties, the status in which the litigants must remain, to avoid an aggravation of the dispute, and to maintain the case in status quo until the final award is pronounced. For this purpose, the said Tribunal shall have the right, if it should deem it necessary, to make any investigations, to order examinations by experts, to conduct personal inspections and to receive any evidence.

**ARTICLE XXII**

The Reports of the Commissions of Inquiry established by the Convention, signed on this date, shall be considered by the Tribunal as part of the evidence, unless new evidence to the contrary should be offered to said Tribunal and it should be proved to the satisfaction of the Tribunal that said new evidence had not been taken into consideration by the Commission of Inquiry at the time they submitted their report.

**ARTICLE XXIII**

The minimum honorarium of each of the arbitrators shall be one thousand dollars American Gold per month, from the time he accepts the call to become a member of the Tribunal until one month after the termination of his functions. He shall also be entitled to reimbursement for traveling expenses.

Each litigant Power shall pay the honorarium of its own arbitrator and half of the honorarium of the third arbitrator, and half of the general expenses of the Tribunal, without prejudice to the right of said Tribunal to order in its final sentence that one of the Parties pay all the honoraria and costs, or to apportion them in some other manner.

Any of the litigant Powers may furnish the share of costs and honoraria...
which correspond to one or to several of the other Powers. In this case, if said Power or Powers should fail to reimburse said sum within thirty days after the Tribunal, at the request of the interested Party, shall have requested them to do so, they shall not be heard until they have made said payment, and this action shall not delay the course of the trial nor its decision.

ARTICLE XXIV

All the decisions of the Tribunal shall be communicated to the Governments of the five Contracting Republics. The interested Parties hereby undertake to abide by said decisions and to give them the necessary moral support in order that they may be duly enforced, thus constituting a real and positive guaranty that this Convention and the Tribunal herein established shall be respected.

ARTICLE XXV

The Tribunal herein established shall be competent to decide those international questions which any of the Central American Governments and the government of a foreign nation may agree to submit to it by a special convention. The fact that it may be agreed in the respective protocol that the arbitrator nominated by the foreign party may be chosen at will does not prevent the application of the clauses of the present Convention in other respects.

ARTICLE XXVI

The present Convention shall take effect with respect to the Parties that have ratified it, from the date of its ratification by at least three of the Signatory States.

ARTICLE XXVII

The present Convention shall remain in force until the first of January, nineteen hundred and thirty-four, regardless of any prior denunciation, or any other cause. From the first of January, nineteen hundred and thirty-four, it shall continue in force until one year after the date on which one of the Parties who has thereby notified the other of its intention to denounce it. The denunciation of this Convention by one or two of said obligated Parties shall leave it in force for those parties which have ratified it and have not denounced it, provided that these be no less than three in number. Should two or three States bound by this Convention form a single political entity, the same Convention shall be in force as between the new entity and the Republics obligated thereby which have remained separate, provided these be no less than two in number. Any of the Republics of Central America which should fail to ratify this Convention, shall have the right to adhere to it while it is in force.

ARTICLE XXVIII

The exchange of ratifications of the present Convention shall be made through communications addressed by the Governments to the Government of Costa Rica, in order that the latter may inform the other Contracting States. If the Government of Costa Rica should ratify the Convention, notice of said ratification shall also be communicated to the others.

ARTICLE XXIX

The original of the present Convention, signed by all the delegates plenipotentiary, shall be deposited in the archives of the Pan American Union at Washington. A copy duly certified shall be sent by the Secretary General of the Conference to each one of the Governments of the Contracting Parties. Signed at the City of Washington, on the seventh day of February, nineteen hundred and twenty-three.

APPENDIX K

MEXICAN PROJECT OF PEACE CODE

At the Seventh International Conference of American States the Mexican Delegation presented a project of Peace Code. The following is the text of the project:

CHAPTER I

General Principles

ARTICLE I

The High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations, and that the settlement of conflicts or disagreements of any sort which may arise among them shall be effected in no other way than by the pacific means sanctioned by international law.

ARTICLE II

For the purposes of the foregoing article, the state which has first executed one of the following acts shall be recognized as the aggressor, whatever may be the end it pursues:

(a) Declaring war on another state;
(b) Commencing an invasion with continental, maritime or aerial forces—even without a declaration of war—against the territory, ships or airplanes of another country;
(c) Commencing the blockade of the coast or of any port of another country;
(d) Aiding elements which, having formed within its territory, attack that of another country, or rejecting requests by the attacked country to take all measures calculated to deprive such elements of support or defense.

No consideration of a political, military or economic nature can justify the aggression to which this article refers.

ARTICLE III

The High Contracting Parties expressly agree not to resort to armed force for the collection of contractual debts.

ARTICLE IV

The High Contracting Parties declare that territorial questions must not be solved by violence, and that they will not recognize any territorial settlement that is not obtained by pacific means and without coercion of any sort, nor will they recognize the validity of the occupation or acquisition of territories accomplished by force of arms.

ARTICLE V

In case of non-fulfillment, by any of the parties in conflict, of the obligations contained in the foregoing articles, the contracting states undertake to exert all their efforts for the maintenance of peace. For this purpose, they will adopt, in their quality of neutrals, a common, united attitude; they will put into play the political, juridical or economic means authorized by international law; they will bring the influence of public opinion to bear; but they will in no case resort to intervention, either diplomatic or armed, save for the attitude which might be incumbent upon them by virtue of other collective treaties to which these States are signatories.
CHAPTER II
Bases of the System

ARTICLE VI
The High Signatory Parties are bound, in case a conflict arises among them, to appeal to the Permanent Commission of Conciliation, to arbitration or to the Inter-American Court of Justice to which articles 12 and following refer.

ARTICLE VII
In all matters submitted to it, the Court will decide its own competency, in its own discretion, on the pleadings and bases submitted to it, and on the documents and testimony adduced in favor of the party. The Court shall not be bound by any previous decision or by the provisions of the Statutes of the Organization of American States.

ARTICLE VIII
When the parties concerned appeal neither to conciliation nor arbitration nor to the Court of Justice, the Commission of Conciliation shall be called upon to act on the matter.

ARTICLE IX
Once the Commission of Conciliation has presented its decision, the parties concerned, if not agreed to follow it, may appeal to arbitration or to the Court, with the limitations referred to in Article 7.

ARTICLE X
If one or more of the parties concerned is not willing to follow the decision of the Commission of Conciliation or to submit the matter to arbitration or to a judicial settlement, the sanctions referred to in Article 5 shall be applied to the recalcitrant party or parties.

ARTICLE XI
If the states in litigation have begun hostilities, they bind themselves to suspend them and to take no measure which might aggravate the situation, in so far as they choose conciliation, arbitration or judicial procedure to which to submit the conflict, as well as during the whole term of the trial.

CHAPTER III
Conciliation and Creation of a Permanent Commission

ARTICLE XII
An American International Commission of Conciliation is created, the composition and functions of which shall be those set forth herewith:
(a) Six months before the meeting of the American International Conference, each one of the Governments of the American Republics shall designate five persons of its own nationality, enjoying the highest moral esteem and known to possess the highest culture. The names of these five persons shall be communicated to the Pan American Union in order that they may be transmitted to the conference to meet next.
(b) The Conference, in its last session, shall elect, by a two-thirds majority, the persons who shall constitute the Commission of Conciliation from the list of those presented by the Governments. The member shall be 21, each state having a right to one.
(c) The Conference, in its last session, shall elect, by a two-thirds majority, the persons who shall constitute the Commission of Conciliation from the list of those presented by the Governments. The member shall be 21, each state having a right to one.
(d) If one of the countries concerned in a case of conciliation should be that of the nationality or domicile of the President, or of one of the other members, he shall be replaced by the Vice-President, or by an undersecretary following him in the number of votes of designation.
(e) Each one of the parties concerned may reject as many as five members, who shall be replaced by those following them in the number of votes obtained.
(f) Each one of the countries concerned in cases of conciliation shall appoint authorized agents for all necessary information and to act as cooperators and intermediaries between the Permanent Delegation or the American International Commission of Conciliation and the Governments. Without prejudice hereto, the Delegation and the Commission shall deal directly with the Governments.

ARTICLE XIII
The Commission of Conciliation created by the present convention may hear all controversies of whatever nature which may be raised between the Contracting States, or which may be referred to it by the States which have signed the convention.

ARTICLE XIV
The conciliation procedure shall be opened at the request of one of the Parties or by the initiative of the Permanent Delegation itself, when it considers that a difference between two or more States may disturb the harmony to an extent dangerous for the mutual co-operation and international peace. To that end, the Permanent Delegation may be convened in the presence of a difference between two or more States, the Permanent Delegation shall consider the matter at the request of any one of its members. In cases of extreme urgency, the President may initiate the conciliation procedure without the meeting of the Delegation.

ARTICLE XV
It is the mission of the Commission to procure a conciliatory adjustment of the differences submitted to its consideration. After an impartial study of the questions which are the cause of the conflict, it shall set down in a report the results of its labors and shall propose to the Parties bases of settlement by means of a just and equitable solution. The report of the Commission shall be submitted to the Permanent Delegation or to the International Justice.

ARTICLE XVI
The Commission of Conciliation must present its report within the term of six weeks, counting from its first meeting, unless the Parties decide by common agreement to shorten or prorogate this term.

ARTICLE XVII
The Permanent Commission of Conciliation shall meet, save for a contrary agreement between the Parties, at the place designated by its President.

ARTICLE XVIII
The Parties shall have themselves represented before the Permanent Commission of Conciliation by means of agents; they may furthermore be advised by experts as they may judge advisable in the case (e.g., the President) or for that purpose and ask for the hearing of all kinds of persons whose testimony may appear to them useful.
The Commission, on its part, shall have the power to ask for oral explanations from the agents, counselors and experts of the two Parties, as well as for the communication by the respective Government of the statement of any person whose testimony may be considered necessary.

**ARTICLE XIX**

The Commission of Conciliation shall establish by itself the rules for its procedure, which latter must be contentious in all cases.

The Parties in controversy may furnish, and the Commission may require of them, all necessary data and information. The Parties may have themselves represented by delegates and assisted by counselors or experts, and may also present any kind of testimony.

**ARTICLE XX**

During the conciliation procedure, the members of the Commission shall draw salaries the amount of which shall be established by common agreement by the Parties in controversy. Each one of the Parties shall provide for its own expenses and shall contribute in equal parts to the common expenditures and salaries.

**ARTICLE XXI**

The work and deliberations of the Commission of Conciliation shall not be given out for publication except by its decision, with the consent of the Parties, save for cases where the latter do not accept the proposals of the Commission, whereupon the Commission may freely order the publication thereof.

In the absence of any stipulation to the contrary, the decisions of the Commission shall be adopted by a majority of votes, but the Commission may not decide on the basic points of a matter without the presence of all its members.

**ARTICLE XXII**

The report and recommendations of the Commission, insofar as it acts as an organ of conciliation, shall not have the character of a judgment or arbitral decision and shall not be binding on the Parties either as regards the exposition or interpretation of the facts, or in respect to questions of law.

**ARTICLE XXIII**

Within the shortest time possible after the termination of its labors, the Commission shall transmit to the Parties an authentic copy of the report and of the recommendations which it proposes.

The Commission, in transmitting the report and recommendations to the Parties shall fix for them a term, which shall not exceed six months, within which they must pronounce themselves on the bases of settlement above mentioned.

**ARTICLE XXIV**

Upon expiration of the term fixed by the Commission for the Parties to pronounce themselves, the Commission shall record in a final minute the decision of the Parties and, if a conciliation has been effected, the terms of the settlement.

**CHAPTER IV**

**Arbitration**

**ARTICLE XXV**

The signatory States bind themselves to submit to arbitration all differences of an international character which have arisen or should arise between them and which it has not been possible to adjust through diplomatic channels.
The Members of the Governing Board of the Pan American Union may not exercise the functions of agents, counselors or advocates except in favor of the State which has appointed them members of the said Governing Board.

ARTICLE XXXIV

The arbitration procedure comprises as a general rule two distinct phases: the written pleadings and the debates.

The written pleadings (instrucción escrita) consist in the communication, by the respective agents to the members of the Tribunal and to the opposite Party, of all the documentary evidence (constancias), the memorandums (memoriales), and, if the case requires, replies; the Parties shall attach to such memorandums the documents and proofs invoked in the case. This communication shall be made directly to the Tribunal.

The debates consist in the oral exposition of the arguments of the Parties before the Tribunal.

ARTICLE XXXV

A certified copy of all the papers presented by one of the Parties must be transmitted to the other Party.

ARTICLE XXXVI

Barring special circumstances, the Tribunal shall not meet to hear oral pleadings until the written pleadings have been concluded.

ARTICLE XXXVII

The debates shall be directed by the President.

Such debates shall not be public except by virtue of a decision of the Tribunal and with the previous consent of the Parties.

These debates shall be recorded in minutes edited by secretaries appointed by the President. These minutes shall be signed by the President and one of the secretaries, and they only have an authentic character.

ARTICLE XXXVIII

Upon conclusion of the pleadings, the Tribunal has the right to deny debate on any kind of new evidence or documents which one of the Parties may attempt to present to it without the consent of the other.

The Tribunal is at liberty to take into consideration new evidence or documents to which the agents of the Parties call its attention.

In this case, the Tribunal has the right to demand the presentation of said pieces of evidence or documents, contingent on the obligation of notifying the opposite Party.

ARTICLE XXXIX

The Tribunal may furthermore require from the agents of the Parties the presentation of any kind of evidence and ask for all necessary explanations. In the case of a negative answer, the Tribunal shall so record it.

ARTICLE XL

The agents and counselors of the Parties are authorized to present orally to the Tribunal all the arguments which they consider useful for the defense of their cause.

ARTICLE XLI

Said agents and counselors have the right to raise objections and points. The decisions of the Tribunal on these points shall be final and cannot give rise to any further discussion.
ARTICLE LII

The Parties may ask before the same Tribunal for the revision of the award only in cases of the discovery of some previous fact the nature of which might have exerted a decisive influence upon the decision and which was unknown to the Tribunal and to the Party which demanded the revision at the time the debates were closed.

Proceedings for revision can only be instituted by a decision of the Tribunal, expressly recording the existence of the fact in question, recognizing in it the character established in the preceding paragraph and by means of an express declaration that the demand for revision is admissible.

The period within which the demand for revision must be made shall be fifteen days from the date of the award.

ARTICLE LIII

The award is not binding except on the parties in dispute.

ARTICLE LIV

Each of the litigating States shall pay its own expenses and an equal share of the expenses of the Tribunal.

CHAPTER V

American Court of International Justice

ARTICLE LV

The American Court of Justice shall be composed of one member from each of the Contracting Parties, appointed by them.

The members are to be chosen from among persons of high moral character possessing the conditions required in their respective countries for appointment to the highest judicial posts or who are jurists of recognized competence in international law.

ARTICLE LVI

On a date to be fixed by the Governing Board of the Pan American Union, each Contracting Party shall be asked to designate a member to form the Court. The names of the persons thus designated shall be transmitted to the Director General of the Pan American Union, who shall send a list of them to each Republic.

The Pan American Union shall request from the President of the Association of Lawyers of Canada (Canadian Bar Association) the names of two Canadian jurists possessing the conditions laid down in Article 1 and willing to accept the charge of member of the Tribunal. The names of the persons proposed shall be drawn from by lot by the Director General of the Union, in a session of the Governing Board, the one extracted from the ballot box being designated for the Tribunal.

ARTICLE LVII

In a session of the Governing Board, the names of the members shall be placed in a ballot box and the Director General shall extract them one by one. The first half shall constitute the Tribunal of the First Instance; the second, the Tribunal of Appeal.

With regard to the United States and Canada, the first name extracted shall be for the first instance and the last shall be reserved for the Tribunal of Appeal.

ARTICLE LVIII

In case of a vacancy in either division, the new member shall be chosen in conformity with the provisions of Article 55, to fill the post for the remainder of his predecessor's term.

For the Maintenance of Peace

ARTICLE LIX

The members of the Tribunal are appointed for a term of five years and shall serve until their successors are designated. They may be re-elected.

ARTICLE LX

The exercise of any function pertaining to the political, national or international direction of the American Republics by a member of the Tribunal during his incumbency is declared incompatible with his judicial duties.

Any doubt regarding this point shall be settled by resolution of the Tribunal, of which the party concerned shall not form a part.

ARTICLE LXI

No member of the Tribunal may act as agent, lawyer (letrado) or advocate (abogado) during performance of his functions, in any case of an international character.

No member shall take part in the decision of any case in which he has previously participated as agent, lawyer or advocate, on behalf of one of the contesting Parties, or as a member of a National or International Tribunal, or of a Commission of Investigation or in any other capacity.

Any doubt on this point shall be settled by resolution of the Tribunal.

ARTICLE LXII

The members of the Tribunal, while devoted to matters pertaining thereto, shall enjoy diplomatic privileges and immunities.

ARTICLE LXIII

Any member of the Tribunal, before taking charge of his functions, shall make a solemn declaration, in public audience, of his intention to fulfill them impartially and duly.

ARTICLE LXIV

The Tribunal shall elect its President and Vice-President to serve for one year. They may be re-elected.

The Tribunal shall elect a Secretary General.

ARTICLE LXV

The Tribunal shall be established in the city of ......................

ARTICLE LXVI

The sessions shall commence ......................... and continue during the whole time deemed necessary to dispose of the cases pending.

ARTICLE LXVII

If for any special reason a member of the Tribunal should consider that he ought not to take part in the decision of a case, he shall inform the President.

If the President should consider that, for some special reason, one of the members of the Tribunal ought not to take part in a case, he shall notify thereof.

If in any case the member of the Tribunal and the President should be in disagreement, the matter shall be settled by the Tribunal.

ARTICLE LXVIII

Each Section of the Tribunal shall meet in full, save when otherwise expressly provided.

The quorum in each section shall be two-thirds of its members.
ARTICLE LXIX
The members of the Tribunal shall receive, during the time of their attendance at the same, a compensation to be fixed by the Governing Board of the Pan American Union. Such compensation shall include traveling expenses to and from the Tribunal and a daily honorarium for the period of their official functions.

The salary of the Secretary General shall be fixed by the Governing Board.

ARTICLE LXX
The expenses of the Tribunal shall be defrayed by the Contracting Republics according to the proper proportion.

ARTICLE LXXI
The Tribunal shall have jurisdiction to hear and settle disputes between the American Republics.

However, before assuming jurisdiction, the Tribunal shall decide whether it has been impossible to settle the matter by diplomatic means and likewise whether no agreement exists to choose some other jurisdiction; in view thereof, it shall take up the hearing of the question.

ARTICLE LXXII
The Tribunal shall have obligatory jurisdiction in the following cases:

(a) The international, particular or General Conventions which establish rules expressly recognized by the Parties in dispute;

(b) The international custom, proved by general practice;

(c) The general principles of law, recognized by the civilized nations solely as a means for finding the customary rule.

ARTICLE LXXIII
The Tribunal, within the limits of its jurisdiction, shall apply in the following order:

(a) The International, Particular or General Conventions which establish rules expressly recognized by the Parties in dispute;

(b) The international custom, proved by general practice;

(c) The general principles of law, recognized by the civilized nations solely as a means for finding the customary rule.

ARTICLE LXXIV
The Tribunal must give a consultative opinion on any question or discussion of an international nature which is referred to it for that purpose by the Governing Board of the Pan American Union or any signor of the present Convention.

When the Tribunal is to give an opinion on a question of an international nature not relating to a difference that has already arisen, it shall designate a special commission of three to five members.

When it is to give an opinion on a question which constitutes the subject of an existing disagreement, it shall do so under the same conditions as if the case had been submitted to it for its decision.

ARTICLE LXXV
The languages of the Tribunal shall be the official languages of the Contracting Republics.

If the Parties do not determine the language or languages to be used, the Tribunal shall determine them at the request of the one or the other.

ARTICLE LXXVI
The cases shall be presented to the Tribunal by notification of the special convention or by a written application addressed to the Secretary General. In either case, the matter in dispute and the contending Parties have to be indicated.

Immediately thereupon, the Secretary General shall communicate the application to all those concerned.

ARTICLE LXXVII
The Tribunal shall be empowered to indicate, if it considers that the circumstances require it, any provisional measures to be taken in order to protect the respective rights of each one of the Parties.

Pending the final decision, notice of the measures suggested shall be given at once to the Parties and to the Governing Board of the Pan American Union.

ARTICLE LXXVIII
The Parties shall be represented by agents.

They shall have the aid of lawyers or advocates before the Tribunal.

ARTICLE LXXIX
The procedure shall consist of two parts: written and oral.

ARTICLE LXXX
The written procedure shall consist of the communication to the judges and parties, of cases, counter-cases and, if necessary, replies; and also of the communication of all papers and documents in support thereof.

These communications shall be made through the Secretary General, in the order and within the time fixed by the Tribunal.

To each Party shall be transmitted a certified copy of every document presented by the other Party.

ARTICLE LXXXI
The oral procedure shall consist in the hearing of the witnesses, experts, agents and advocates by the Tribunal.

ARTICLE LXXXII
For all notifications to persons who are not agents and advocates, the Tribunal shall address itself to the Government of the American Republic on whose territory the notification is to be made.

The same provision shall apply whenever steps are to be taken to obtain proofs.

ARTICLE LXXXIII
The hearings shall be public, except when the Tribunal decides otherwise or the Parties demand that they shall not be.

ARTICLE LXXXIV
Minutes shall be kept of each session and signed by the President and the Secretary General.
ARTICLE LXXXV

The Tribunal shall adopt provisions for the holding of the trial, decide the manner and period in which each Party has to present its arguments and take all measures relative to the evidence.

ARTICLE LXXXVI

The Tribunal may demand, even before the hearing begins, that the agents present any document or furnish any explanation. Note shall be taken of any refusal to do so.

ARTICLE LXXXVII

The Tribunal may at any time entrust to any individual, institution, office, commission or other organism which it elects, the work of carrying out an investigation or giving an expert opinion.

ARTICLE LXXXVIII

During the hearing, the judges may put any questions considered necessary by them to the witnesses, agents, experts or advocates. The agents and advocates shall have the right to ask through the President any questions which the Tribunal deems useful.

ARTICLE LXXXIX

After the Tribunal has received the evidence within the time specified for that purpose, it may refuse to accept other oral or written evidence that one of the Parties desires to present, unless the other gives its consent.

ARTICLE XC

Should one of the Parties not appear before the Tribunal or fail to defend its case, the other Party may demand of the Tribunal that it decide the claim in its favor.

The Tribunal, before doing so, shall ascertain not only that it has competence in accordance with Articles 71, 72 and 74, but also that the claim is supported by material evidence and fundamentals of fact and law.

ARTICLE XCI

When the agents and lawyers have finished their case, the President shall declare the procedure closed.

The Tribunal shall withdraw to study the decision.

The deliberations of the Tribunal shall be carried on in private and shall be secret.

ARTICLE XCI

All questions shall be decided by a majority of votes of the members present at the hearing.

In case of a tie, the President shall cast the deciding vote.

ARTICLE XCI

The award shall express the reasons on which it is based and shall contain the names of the judges who have taken part in the decision.

ARTICLE XCI

In case the Tribunal's award is by majority, the dissenting members shall have the right to express their reasons, if they so desire.

FOR THE MAINTENANCE OF PEACE

ARTICLE XCIV

The award or decision shall be signed by the President and the Secretary General. It shall be read in public audience, after notification of the agents.

ARTICLE XCVI

The award shall be final, unless petition for its revision is made within three months. In case of doubt as to the meaning and scope of the award, the Tribunal shall interpret it at the request of any of the Parties.

ARTICLE XCVII

Within the period of ...................... appeal may be made from the award of the Tribunal of the First Instance, founded on the non-application, or error in the application or interpretation, of a principle of law.

The writ of appeal shall be presented within the period of ...................... and the Tribunal of Appeal shall decide thereupon at a date to be fixed by the President of this section after consulting the Parties.

The appeal shall present its arguments in writing to the Secretary General of the Tribunal at a date to be fixed by the President, and the opposite Party shall also reply in writing at a date to be fixed in the same manner.

Within a time to be fixed by the President, after consulting with the Parties, an early date shall be fixed for the hearing. Questions of law shall be discussed in conformity with the procedure established by the Regulation of the Tribunal.

Each of the Parties shall have the right to give his opponent an oral reply, after which the Tribunal shall declare the procedure closed.

The award shall be read in public audience, the agents of the Parties having previously been notified to attend.

Members of the Tribunal dissenting with the award may express in writing the grounds for their dissent.

ARTICLE XCVIII

The award of the Tribunal of Appeal shall be final.

In case of doubt as to the meaning or scope thereof, the Tribunal shall interpret it at the request of any of the Parties.

ARTICLE XCVII

The application for the revision of an award can only be made when founded on the discovery of some fact subsequent to the award and of such a nature that it would have been a decisive factor and that, when the award was handed down, such fact was unknown to the Tribunal and also to the Party asking for revision, provided, furthermore, that the ignorance thereof is not due to the negligence of the latter.

The revision procedure shall be initiated by a resolution of the Tribunal, expressly stating the existence of the new fact, recognizing that its character justifies revision and declaring that the admission of the application is in order.

The Tribunal may demand submission to the award before admitting the revision procedure.

The application for revision must be made within three months at the latest after the discovery of the new fact.

ARTICLE C

If a Republic considers that it has some interest of a legal character which might be affected by the award, it may present an application to the Tribunal to be permitted to participate as a Party.

It shall belong to the Tribunal to decide upon this application.
ARTICLE CI
Whenever the interpretation of a convention to which another signatory State is a party is concerned, the Secretary General shall immediately notify the latter thereof.
Every State thus notified has the right to participate in the proceedings, but if it uses this right, the interpretation given in the award shall be equally binding upon all.

ARTICLE CII
Unless the Tribunal decides otherwise, each Party shall pay its own expenses.

TEMPORARY ARTICLES

ARTICLE CIII
Notwithstanding the provisions contained in Article 12, the members of the Permanent Commission of Conciliation may be elected for the first time by the Governing Board of the Pan American Union, by a majority of votes.

ARTICLE CIV
In case of denunciation of this Treaty by one of the Contracting Parties or of its actual withdrawal, the members of the Permanent Commission of Conciliation or of the American Court of Justice representing that state shall continue their functions through the term for which they have been appointed.

APPENDIX L
CONVENTION RESPECTING THE RIGHTS AND DUTIES OF NEUTRAL POWERS AND PERSONS IN CASE OF WAR ON LAND. SIGNED AT THE HAGUE, OCTOBER 18, 1907.

CHAPTER I
The Rights and Duties of Neutral Powers

ARTICLE I
The territory of neutral Powers is inviolable.

ARTICLE II
Belligerents are forbidden to move troops or convoys of either munitions of war or supplies across the territory of a neutral Power.

ARTICLE III
Belligerents are likewise forbidden to—
(a) Erect on the territory of a neutral Power a wireless telegraphy station or other apparatus for the purpose of communicating with belligerent forces on land or sea;
(b) Use of any installation of this kind established by them before the war on the territory of a neutral Power for purely military purposes, and which has not been opened for the service of public messages.

ARTICLE IV
Corps of combatants can not be formed nor recruiting agencies opened on territory of a neutral Power to assist the belligerents.

ARTICLE V
A neutral Power must not allow any of the acts referred to in Articles 2 to 4 to occur on its territory.
It is not called upon to punish acts in violation of its neutrality unless the said acts have been committed on its own territory.

ARTICLE VI
The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents.

ARTICLE VII
A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet.

ARTICLE VIII
A neutral Power is not called upon to forbid or restrict the use on behalf of the belligerents of telegraph or telephone cables or of wireless telegraphy apparatus belonging to it or to companies or private individuals.

ARTICLE IX
Every measure of restriction or prohibition taken by a neutral Power in regard to the matters referred to in Articles 7 and 8 must be impartially applied by it to both belligerents.
A neutral Power must see to the same obligation being observed by companies or private individuals owning telegraph or telephone cables or wireless telegraphy apparatus.

ARTICLE X
The fact of a neutral Power resisting, even by force, attempts to violate its neutrality can not be regarded as a hostile act.

CHAPTER II
Belligerents Interned and Wounded Tended in Neutral Territory

ARTICLE XI
A neutral Power which receives on its territory troops belonging to the belligerent armies shall intern them, as far as possible, at a distance from the theatre of war.
It may keep them in camps and even confine them in fortresses or in places set apart for this purpose.
It shall decide whether officers can be left at liberty on giving their parole not to leave the neutral territory without permission.

ARTICLE XII
In the absence of a special convention to the contrary, the neutral Power shall supply the interned with the food, clothing, and relief required by humanity.
At the conclusion of peace the expenses caused by the internment shall be made good.

ARTICLE XIII
A neutral Power which receives escaped prisoners of war shall leave them at liberty. If it allows them to remain in its territory it may assign them a place of residence.
The same rule applies to prisoners of war brought by troops taking refuge in the territory of a neutral Power.
ARTICLE XIV

A neutral Power may authorize the passage over its territory of the sick and wounded belonging to the belligerent armies, on condition that the trains bringing them shall carry neither personnel nor war material. In such a case, the neutral Power is bound to take whatever measures of safety and control are necessary for the purpose.

The sick or wounded brought under these conditions into neutral territory by one of the belligerents, and belonging to the hostile party, must be guarded by the neutral Power so as to ensure their not taking part again in the military operations. The same duty shall devolve on the neutral State with regard to wounded or sick of the other army who may be committed to its care.

ARTICLE XV

The Geneva Convention applies to sick and wounded interned in neutral territory.

CHAPTER III

Neutral Persons

ARTICLE XVI

The nationals of a State which is not taking part in the war are considered as neutrals.

ARTICLE XVII

A neutral can not avail himself of his neutrality—
(a) If he commits hostile acts against a belligerent;
(b) If he assists acts in favor of a belligerent, particularly if he voluntarily enlists in the ranks of the armed force of one of the parties.

In such a case, the neutral shall not be more severely treated by the belligerent as against whom he has abandoned his neutrality than a national of the other belligerent State could be for the same act.

ARTICLE XVIII

The following acts shall not be considered as committed in favor of one belligerent in the sense of Article 17, letter (b):
(a) Supplies furnished or loans made to one of the belligerents, provided that the person who furnishes the supplies or who makes the loans lives neither in the territory of the other party nor in the territory occupied by him, and that the supplies do not come from these territories;
(b) Services rendered in matters of police or civil administration.

CHAPTER IV

Railway Material

ARTICLE XIX

Railway material coming from the territory of neutral Powers, whether it be the property of the said Powers or of companies or private persons, and recognizable as such, shall not be requisitioned or utilized by a belligerent except where and to the extent that it is absolutely necessary. It shall be sent back as soon as possible to the country of origin.

A neutral Power may likewise, in case of necessity, retain and utilize to an equal extent material coming from the territory of the belligerent Power.

Compensation shall be paid by one party or the other in proportion to the material used, and to the period of usage.

CHAPTER V

Final Provisions

ARTICLE XX

The provisions of the present Convention do not apply except between contracting Powers, and then only if all the belligerents are parties to the Convention.

ARTICLE XXI

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the Powers which take part therein and by the Netherlands Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification, addressed to the Netherlands Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the notifications mentioned in the preceding paragraph, and of the instruments of ratification shall be immediately sent by the Netherlands Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall at the same time inform them of the date on which it received the notification.

ARTICLE XXII

Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies its intention in writing to the Netherlands Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

This Government shall immediately forward to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XXIII

The present Convention shall come into force, in the case of the Powers which were a party to the first deposit of ratifications, sixty days after the date of the procès-verbal of this deposit, and, in the case of the Powers which ratify subsequently or which adhere, sixty days after the notification of their ratification or of their adhesion has been received by the Netherlands Government.

ARTICLE XXIV

In the event of one of the contracting Powers wishing to denounced the present Convention, the denunciation shall be notified in writing to the Netherlands Government, which shall immediately communicate a duly certified copy of the notification to all the other Powers, informing them at the same time of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has reached the Netherlands Government.

ARTICLE XXV

A register kept by the Netherlands Ministry of Foreign Affairs shall give the date of the deposit of ratifications made in virtue of Article 21, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 22, paragraph 2) or of denunciation (Article 24, paragraph 1) have been received.
Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts from it.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherlands Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

Reservation by Argentina:
The Argentine Republic makes reservation of Article 19.

APPENDIX M

CONVENTION CONCERNING THE RIGHTS AND DUTIES OF NEUTRAL POWERS IN NAVAL WAR. SIGNED AT THE HAGUE, OCTOBER 18, 1907

ARTICLE I

Belligerents are bound to respect the sovereign rights of neutral Powers and to abstain, in neutral territory or neutral waters, from any act which would, if knowingly permitted by any Power, constitute a violation of neutrality.

ARTICLE II

Any act of hostility, including capture and the exercise of the right of search, committed by belligerent warships in the territorial waters of a neutral Power, constitutes a violation of neutrality and is strictly forbidden.

ARTICLE III

When a ship has been captured in the territorial waters of a neutral Power, this Power must employ, if the prize is still within its jurisdiction, the means at its disposal to release the prize with its officers and crew, and to intern the prize crew.

If the prize is not in the jurisdiction of the neutral Power, the captor Government, on the demand of that Power, must liberate the prize with its officers and crew.

ARTICLE IV

A prize court can not be set up by a belligerent on neutral territory or on a vessel in neutral waters.

ARTICLE V

Belligerents are forbidden to use neutral ports and waters as a base of naval operations against their adversaries, and in particular to erect wireless telegraphy stations or any apparatus for the purpose of communicating with the belligerent forces on land or sea.

ARTICLE VI

The supply, in any manner, directly or indirectly, by a neutral Power to a belligerent Power, of warships, ammunition, or war material of any kind whatever, is forbidden.

ARTICLE VII

A neutral Power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunitions, or, in general, of anything which could be of use to an army or fleet.

FOR THE MAINTENANCE OF PEACE

ARTICLE VIII

A neutral Government is bound to employ the means at its disposal to prevent the fitting out or arming of any vessel within its jurisdiction which it has reason to believe is intended to cruise, or engage in hostile operations, against a Power with which that Government is at peace. It is also bound to display the same vigilance to prevent the departure from its jurisdiction of any vessel intended to cruise, or engage in hostile operations, which had been adapted entirely or partly within the said jurisdiction for use in war.

ARTICLE IX

A neutral Power must apply impartially to the two belligerents the conditions, restrictions, or prohibitions made by it in regard to the admission into its ports, roadsteads, or territorial waters, of belligerent warships or of their prizes.

Nevertheless, a neutral Power may forbid a belligerent vessel which has failed to conform to the orders and regulations made by it, or which has violated neutrality, to enter its ports or roadsteads.

ARTICLE X

The neutrality of a Power is not affected by the mere passage through its territorial waters of warships or prizes belonging to belligerents.

ARTICLE XI

A neutral Power may allow belligerent warships to employ its licensed pilots.

ARTICLE XII

In the absence of special provisions to the contrary in the legislation of a neutral Power, belligerent warships are not permitted to remain in the ports, roadsteads, or territorial waters of the said Power for more than twenty-four hours, except in the cases covered by the present Convention.

ARTICLE XIII

If a Power which has been informed of the outbreak of hostilities learns that a belligerent warship is in one of its ports or roadsteads, or in its territorial waters, it must notify the said ship to depart within twenty-four hours or within the time prescribed by local regulations.

ARTICLE XIV

A belligerent warship may not prolong its stay in a neutral port beyond the permissible time except on account of damage or stress of weather. It must depart as soon as the cause of the delay is at an end.

The regulations as to the question of the length of time which these vessels may remain in neutral ports, roadsteads, or waters, do not apply to warships devoted exclusively to religious, scientific, or philanthropic purposes.

ARTICLE XV

In the absence of special provisions to the contrary in the legislation of a neutral Power, the maximum number of warships belonging to a belligerent which may be in one of the ports or roadsteads of that Power simultaneously shall be three.

ARTICLE XVI

When warships belonging to both belligerents are present simultaneously in a neutral port or roadstead, a period of not less than twenty-four hours must elapse between the departure of the ship belonging to one belligerent and the departure of the ship belonging to the other.
The order of departure is determined by the order of arrival, unless the ship which arrived first is so circumscribed that an extension of its stay is permissible.

A belligerent warship may not leave a neutral port or roadstead until twenty-four hours after the departure of a merchant ship flying the flag of its adversary.

**Article XVII**

In neutral ports and roadsteads belligerent warships may only carry out such repairs as are absolutely necessary to render them seaworthy, and may not add in any manner whatsoever to their fighting forces. The local authorities of the neutral Power shall decide what repairs are necessary, and those must be carried out with the least possible delay.

**Article XVIII**

Belligerent warships may not make use of neutral ports, roadsteads, or territorial waters for replenishing or increasing their supplies of war material or their armament, or for completing their crews.

**Article XIX**

Belligerent warships may only revictual in neutral ports or roadsteads to bring up their supplies to the peace standard.

Similarly these vessels may only ship sufficient fuel to enable them to reach the nearest port in their own country. They may, on the other hand, fill up their bunkers built to carry fuel, when in neutral countries which have adopted this method of determining the amount of fuel to be supplied.

If, in accordance with the law of the neutral Power, the ships are not supplied with coal within twenty-four hours of their arrival, the permissible duration of their stay is extended by twenty-four hours.

**Article XX**

Belligerent warships which have shipped fuel in a port belonging to a neutral Power may not within the succeeding three months replenish their supply in a port of the same Power.

**Article XXI**

A prize may only be brought into a neutral port on account of unseaworthiness, stress of weather, or want of fuel or provisins.

It must leave as soon as the circumstances which justified its entry are at an end. If it does not, the neutral Power must order it to leave at once; should it fail to obey, the neutral Power must employ the means at its disposal to release it with its officers and crew and to intern the prize crew.

**Article XXII**

A neutral Power must, similarly, release a prize brought into one of its ports under circumstances other than those referred to in Article 21.

**Article XXIII**

A neutral Power may allow prizes to enter its ports and roadsteads, whether under convoy or not, when they are brought there to be sequestrated pending the decision of a Prize Court. It may have the prize taken to another of its ports.

If the prize is convoyed by a warship, the prize crew may go on board the convoying ship.

If the prize is not under convoy, the prize crew are left at liberty.

**Article XXIV**

If, notwithstanding the notification of the neutral Power, a belligerent ship of war does not leave a port where it is not entitled to remain, the neutral Power is entitled to take such measures as it considers necessary to render the ship incapable of taking the sea during the war, and the commanding officer of the ship must facilitate the execution of such measures.

When a belligerent ship is detained by a neutral Power, the officers and crew are likewise detained.

The officers and crew thus detained may be left in the ship or kept either on another vessel or on land, and may be subjected to the measures of restriction which it may appear necessary to impose upon them. A sufficient number of men for looking after the vessel must, however, be always left on board.

The officers may be left at liberty on giving their word not to quit the neutral territory without permission.

**Article XXV**

A neutral Power is bound to exercise such surveillance as the means at its disposal allow to prevent any violation of the provisions of the above articles occurring in its ports or roadsteads or in its waters.

**Article XXVI**

The exercise by a neutral Power of the rights laid down in the present Convention can under no circumstances be considered as an unfriendly act by one or other belligerent who has accepted the articles relating thereto.

**Article XXVII**

The contracting Powers shall communicate to each other in due course all laws, proclamations, and other enactments regulating in their respective countries the status of belligerent warships in their ports and waters, by means of a communication addressed to the Government of the Netherlands, and forwarded immediately by that Government to the other contracting Powers.

**Article XXVIII**

The provisions of the present Convention do not apply except to the contracting Powers, and then only if all the belligerents are parties to the Convention.

**Article XXIX**

The present Convention shall be ratified as soon as possible.

The ratifications shall be deposited at The Hague.

The first deposit of ratifications shall be recorded in a procès-verbal signed by the representatives of the Powers which take part therein and by the Netherlands Minister for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the Netherlands Government and accompanied by the instrument of ratification.

A duly certified copy of the procès-verbal relative to the first deposit of ratifications, of the ratifications mentioned in the preceding paragraph, as well as of the instruments of ratification, shall be at once sent by the Netherlands Government, through the diplomatic channel, to the Powers invited to the Second Peace Conference, as well as to the other Powers which have adhered to the Convention. In the cases contemplated in the preceding paragraph, the said Government shall inform them at the same time of the date on which it received the notification.
ARTICLE XXX
Non-signatory Powers may adhere to the present Convention.

The Power which desires to adhere notifies in writing its intention to the Netherland Government, forwarding to it the act of adhesion, which shall be deposited in the archives of the said Government.

That Government shall at once transmit to all the other Powers a duly certified copy of the notification as well as of the act of adhesion, mentioning the date on which it received the notification.

ARTICLE XXXI
The present Convention shall come into force in the case of the Powers which were a party to the first deposit of the ratifications, sixty days after the date of the procès-verbal of that deposit, and, in the case of the Powers who ratify subsequently or who adhere, sixty days after the notification of their ratification or of their decision has been received by the Netherland Government.

ARTICLE XXXII
In the event of one of the contracting Powers wishing to denounced the present Convention, the denunciation shall be notified in writing to the Netherland Government, who shall at once communicate a duly certified copy of the notification to all the other Powers, informing them of the date on which it was received.

The denunciation shall only have effect in regard to the notifying Power, and one year after the notification has been made to the Netherland Government.

ARTICLE XXXIII
A register kept by the Netherland Ministry of Foreign Affairs shall give the date of the deposit of ratifications made by Article 28, paragraphs 3 and 4, as well as the date on which the notifications of adhesion (Article 30, paragraph 2) or of denunciation (Article 32, paragraph 1) have been received.

Each contracting Power is entitled to have access to this register and to be supplied with duly certified extracts.

In faith whereof the plenipotentiaries have appended their signatures to the present Convention.

Done at The Hague, the 18th October, 1907, in a single copy, which shall remain deposited in the archives of the Netherland Government, and duly certified copies of which shall be sent, through the diplomatic channel, to the Powers which have been invited to the Second Peace Conference.

APPENDIX N
DECLARATION CONCERNING THE LAWS OF NAVAL WAR.

SIGNED AT LONDON, FEBRUARY 26, 1909

PRELIMINARY PROVISION

The Signatory Powers are agreed that the rules contained in the following Chapters correspond in substance with the generally recognized principles of international law.

CHAPTER I
Blockade in Time of War

ARTICLE I
A blockade must not extend beyond the ports and coasts belonging to or occupied by the enemy.

FOR THE MAINTENANCE OF PEACE

ARTICLE II
In accordance with the Declaration of Paris of 1856, a blockade, in order to be binding, must be effective—that is to say, it must be maintained by a force sufficient really to prevent access to the enemy coastline.

ARTICLE III
The question whether a blockade is effective is a question of fact.

ARTICLE IV
A blockade is not regarded as raised if the blockading force is temporarily withdrawn on account of stress of weather.

ARTICLE V
A blockade must be applied impartially to the ships of all nations.

ARTICLE VI
The Commander of a blockading force may give permission to a warship to enter, and subsequently to leave, a blockaded port.

ARTICLE VII
In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under blockade and subsequently leave it, provided that she has neither discharged nor shipped any cargo there.

ARTICLE VIII
A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 and 15.

ARTICLE IX
A declaration of blockade is made either by the blockading Power or by the naval authorities acting in its name.

It specifies—
(1) The date when the blockade begins;
(2) The geographical limits of the coastline under blockade;
(3) The period within which neutral vessels may come out.

ARTICLE X
If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars, which, in accordance with Article 9 (1) and (2), must be inserted in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade operative.

ARTICLE XI
A declaration of blockade is notified—
(1) To neutral Powers, by the blockading Power by means of a communication addressed to the Governments direct, or to their representatives accredited to it;
(2) To the local authorities, by the officer commanding the blockading force. The local authorities will, in turn, inform the foreign consular officers at the port or on the coastline under blockade as soon as possible.
ARTICLE XII

The rules as to declaration and notification of blockade apply to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

ARTICLE XIII

The voluntary raising of a blockade, as also any restriction in the limits of a blockade, must be notified in the manner prescribed by Article XI.

ARTICLE XIV

The liability of a neutral vessel to capture for breach of blockade is contingent on her knowledge, actual or presumptive, of the blockade.

ARTICLE XV

Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient time.

ARTICLE XVI

If the vessel approaching a blockaded port has no knowledge, actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel’s logbook, and must state the day and hour, and the geographical position of the vessel at the time.

If, through the negligence of the officer commanding the blockading force, no declaration of blockade has been notified to the local authorities, or, if in the declaration, as notified, no period has been mentioned within which neutral vessels may come out, a neutral vessel coming out of the blockaded port must be allowed to pass free.

ARTICLE XVII

Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.

ARTICLE XVIII

The blockading forces must not bar access to neutral ports or coasts.

ARTICLE XIX

Whatever may be the ultimate destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.

ARTICLE XX

A vessel which has broken blockade outwards, or which has attempted to break blockade inwards, is liable to capture so long as she is pursued by a ship of the blockading force. If the pursuit is abandoned, or if the blockade is raised, her capture can no longer be effected.

ARTICLE XXI

A vessel found guilty of breach of blockade is liable to condemnation. The cargo is also condemned, unless it is proved that at the time of the shipment of the goods the shipper neither knew nor could have known of the intention to break the blockade.
(13) Harness and saddlery.
(14) Field Glasses, telescopes, chronometers, and all kinds of nautical instruments.

**ARTICLE XXV**

Articles susceptible of use in war as well as for purposes of peace, other than those enumerated in Articles 22 and 24, may be added to the list of conditional contraband by a declaration, which must be notified in the manner provided for in the second paragraph of Article 28.

**ARTICLE XXVI**

If a Power waives, so far as it is concerned, the right to treat as contraband of war an article comprised in any of the classes enumerated in Articles 22 and 24, such intention shall be announced by a declaration, which must be notified in the manner provided for in the second paragraph of Article 28.

**ARTICLE XXVII**

Articles which are not susceptible of use in war may not be declared contraband of war.

**ARTICLE XXVIII**

The following may not be declared contraband of war:—

(1) Raw cotton, wool, silk, jute, flax, hemp, and other raw materials of the textile industries, and yarns of the same.
(2) Oil seeds and nuts; copra.
(3) Rubber, resins, gums, and lac; hops.
(4) Raw hides and horns, bones and ivory.
(5) Natural and artificial manures, including nitrates and phosphates for agricultural purposes.
(6) Metallic ores.
(7) Earths, clays, lime, chalk, stone, including marble, bricks, slates, and tiles.
(8) Chinaware and glass.
(9) Paper and paper-making materials.
(10) Soap, paint and colours, including articles exclusively used in their manufacture, and varnish.
(11) Bleaching powder, soda ash, caustic soda, salt cake, ammonium, sulphate of ammonia, and sulphate of copper.
(12) Agricultural, mining, textile, and printing machinery.
(13) Precious and semi-precious stones, pearls, mother-of-pearl, and coral.
(14) Clocks and watches, other than chronometers.
(15) Fashion and fancy goods.
(16) Feathers of all kinds, hairs, and bristles.
(17) Articles of household furniture and decoration; office furniture and requisites.

**ARTICLE XXIX**

Likewise the following may not be treated as contraband of war:

(1) Articles serving exclusively to aid the sick and wounded. They can, however, in case of urgent military necessity and subject to the payment of compensation be requisitioned, if their destination is that specified in Article 30.
(2) Articles intended for the use of the vessel in which they are found, as well as those intended for the use of her crew and passengers during the voyage.

**ARTICLE XXX**

Absolute contraband is liable to capture if it is shown to be destined to territory belonging to or occupied by the enemy, or to the armed forces of the enemy. It is immaterial whether the carriage of the goods is direct or entails transhipment or a subsequent transport by land.

**ARTICLE XXXI**

Proof of the destination specified in Article 30 is complete in the following cases:

(1) When the goods are documented for discharge in an enemy port, or for delivery to the armed forces of the enemy.
(2) When the vessel is to call at enemy ports only, or when she is to touch at an enemy port or meet the armed forces of the enemy before reaching the neutral port for which the goods in question are documented.

**ARTICLE XXXII**

Where a vessel is carrying absolute contraband, her papers are conclusive proof as to the voyage on which she is engaged, unless she is found clearly out of the course indicated by her papers and unable to give adequate reasons to justify such deviation.

**ARTICLE XXXIII**

Conditional contraband is liable to capture if it is shown to be destined for the use of the armed forces or of a government department of the enemy State, unless in this latter case the circumstances show that the goods cannot in fact be used for the purposes of the war in progress. This latter exception does not apply to a consignment coming under Article 24 (4).

**ARTICLE XXXIV**

The destination referred to in Article 33 is presumed to exist if the goods are consigned to enemy authorities, or to a contractor established in the enemy country who, as a matter of common knowledge, supplies articles of this kind to the enemy. A similar presumption arises if the goods are consigned to a fortified place belonging to the enemy, or other place serving as a base for the armed forces of the enemy. No such presumption, however, arises in the case of a merchant vessel bound for one of these places if it is sought to prove that she herself is contraband.

In cases where the above presumptions do not arise, the destination is presumed to be innocent.

The presumptions set up by this Article may be rebutted.

**ARTICLE XXXV**

Conditional contraband is not liable to capture, except when found on board a vessel bound for territory belonging to or occupied by the enemy, or for the armed forces of the enemy, and when it is not to be discharged in an intervening neutral port.

The ship's papers are conclusive proof both as to the voyage on which the vessel is engaged and as to the port of discharge of the goods, unless she is found clearly out of the course indicated by her papers, and unable to give adequate reasons to justify such deviation.

**ARTICLE XXXVI**

Notwithstanding the provisions of Article 35, conditional contraband, if shown to have the destination referred to in Article 33, is liable to capture in cases where the enemy country has no seaboard.
A neutral vessel will be condemned and will, in a general way, receive the same treatment as a neutral vessel liable to condemnation for carriage of contraband:—

1. If she is on a voyage specially undertaken with a view to the transport of individual passengers who are embodied in the armed forces of the enemy, or with a view to the transmission of intelligence in the interest of the enemy.

2. If, to the knowledge of either the owner, the charterer, or the master, she is transporting a military detachment of the enemy, or one or more persons who, in the course of the voyage, directly assist the operations of the enemy.

In the cases specified under the above heads, goods belonging to the owner of the vessel are likewise liable to condemnation. The provisions of the present Article do not apply if the vessel is encountered at sea while unaware of the outbreak of hostilities, or if the master, after becoming aware of the outbreak of hostilities, had no opportunity of disembarking the passengers. The vessel is deemed to be aware of the existence of a state of war if she left an enemy port subsequently to the outbreak of hostilities, or a neutral port subsequently to the notification of the outbreak of hostilities to the Power to which such port belongs, provided that such notification was made in sufficient time.

A neutral vessel will be condemned and, in a general way, receive the same treatment as would be applicable to her if she were an enemy merchant vessel:

1. If she takes a direct part in the hostilities;

2. If she is under the orders or control of an agent placed on board by the enemy Government;

3. If she is in the exclusive employment of the enemy Government;

4. If she is exclusively engaged at the time either in the transport of enemy troops or in the transmission of intelligence in the interest of the enemy.

In the cases covered by the present Article, goods belonging to the owner of the vessel are likewise liable to condemnation.

Any individual embodied in the armed forces of the enemy who is found on board a neutral merchant vessel, may be made a prisoner of war, even though there be no ground for the capture of the vessel.

A neutral vessel which has been captured may not be destroyed by the captor; she must be taken into such port as is proper for the determination there of all questions concerning the validity of the capture.

As an exception, a neutral vessel which has been captured by a belligerent warship, and which would be liable to condemnation, may be destroyed if the observance of Article 48 would involve danger to the safety of the warship or to the success of the operations in which she is engaged at the time.
ARTICLE LV

Before the vessel is destroyed all persons on board must be placed in safety, and all the ship’s papers and other documents which the parties interested consider relevant for the purpose of deciding on the validity of the capture must be taken on board the warship.

ARTICLE LVI

A captor who has destroyed a neutral vessel must, prior to any decision respecting the validity of the prize, establish that he only acted in the face of an exceptional necessity of the nature contemplated in Article 49. If he fails to do this, he must compensate the parties interested and no examination shall be made of the question whether the capture was valid or not.

ARTICLE LVII

If the capture of a neutral vessel is subsequently held to be invalid, though the act of destruction has been held to have been justifiable, the captor must pay compensation to the parties interested, in place of the restitution to which they would have been entitled.

ARTICLE LVIII

If neutral goods not liable to condemnation have been destroyed with the vessel, the owner of such goods is entitled to compensation.

ARTICLE LIX

The captor has the right to demand the handing over, or to proceed himself to the destruction of, any goods liable to condemnation found on board a vessel not herself liable to condemnation, provided that the circumstances are such as would, under Article 49, justify the destruction of a vessel herself liable to condemnation. The captor must enter the goods surrendered or destroyed in the log of the vessel, stopped, and must obtain duly certified copies of all relevant papers. When the goods have been handed over or destroyed, and the formalities duly carried out, the master must be allowed to continue his voyage.

The provisions of Articles 51 and 52 respecting the obligations of a captor who has destroyed a neutral vessel are applicable.

CHAPTER V

Transfer to a Neutral Flag

ARTICLE LX

The transfer of an enemy vessel to a neutral flag, effected before the outbreak of hostilities, is valid, unless it is proved that such transfer was made in order to evade the consequences to which an enemy vessel, as such, is exposed. There is, however, a presumption, if the bill of sale is not on board a vessel which has lost her belligerent nationality less than sixty days before the outbreak of hostilities, that the transfer is void. This presumption may be rebutted.

Where the transfer was effected more than thirty days before the outbreak of hostilities, there is an absolute presumption that it is valid if it is unconditional, complete, and in conformity with the laws of the countries concerned, and if its effect is such that neither the control of, nor the profits arising from the employment of, the vessel remain in the same hands as before the transfer. If, in the log of the vessel lost her belligerent nationality less than sixty days before the outbreak of hostilities and if the bill of sale is not on board, the capture of the vessel gives no right to damages.

FOR THE MAINTENANCE OF PEACE

CHAPTER VI

Enemy Character

ARTICLE LXI

Neutral vessels under national convoy are exempt from search. The commander of a convoy gives, in writing, at the request of the commander of a belligerent warship, all information as to the character of the vessels and their cargoes, which could be obtained by search.

ARTICLE LXII

If the commander of the belligerent warship has reason to suspect that the confidence of the commander of the convoy has been abused, he communicates his suspicions to him. In such a case it is for the commander of the convoy alone to investigate the matter. He must record the result of such investigation in a report, of which a copy is handed to the officer of the warship. If, in the opinion of the commander of the convoy, the facts shown in the report justify the capture of one or more vessels, the protection of the convoy must be withdrawn from such vessels.
CHAPTER VIII
Resistance to Search

ARTICLE LXIII

Fercible resistance to the legitimate exercise of the right of stoppage, search, and capture, involves in all cases the condemnation of the vessel. The cargo is liable to the same treatment as the cargo of an enemy vessel. Goods belonging to the master or owner of the vessel are treated as enemy goods.

CHAPTER IX
Compensation

ARTICLE LXIV

If the capture of a vessel or of goods is not upheld by the prize court, or if the prize is released without any judgment being given, the parties interested have the right to compensation, unless there were good reasons for capturing the vessel or goods.

FINAL PROVISIONS

ARTICLE LXV

The provisions of the present Declaration must be treated as a whole, and cannot be separated.

ARTICLE LXVI

The Signatory Powers undertake to insure the mutual observance of the rules contained in the present Declaration in any war in which all the belligerents are parties thereto. They will therefore issue the necessary instructions to their authorities and to their armed forces, and will take such measures as may be required in order to insure that it will be applied by their courts, and more particularly by their prize courts.

ARTICLE LXVII

The present Declaration shall be ratified as soon as possible. The ratifications shall be deposited in London.

The first deposit of ratifications shall be recorded in a Protocol signed by the Representatives of the Powers taking part therein, and by His Britannic Majesty's Principal Secretary of State for Foreign Affairs.

The subsequent deposits of ratifications shall be made by means of a written notification addressed to the British Government, and accompanied by the instrument of ratification.

A duly certified copy of the Protocol relating to the first deposit of ratifications, and of the notifications mentioned in the preceding paragraph as well as of the instruments of ratification which accompany them, shall be immediately sent by the British Government, through the diplomatic channel, to the Signatory Powers. The said Government shall, in the cases contemplated in the preceding paragraph, inform them at the same time of the date on which it received the notification.

ARTICLE LXVIII

The present Declaration shall take effect, in the case of the Powers which were parties to the first deposit of ratifications, sixty days after the date of the Protocol recording such deposit, and, in the case of the Powers which shall ratify subsequently, sixty days after the notification of their ratification shall have been received by the British Government.

ARTICLE LXIX

In the event of one of the Signatory Powers wishing to denounce the present Declaration, such denunciation can only be made to take effect at the end of a period of twelve years, beginning sixty days after the first deposit of ratifications, and, after that time, at the end of successive periods of six years, of which the first will begin at the end of the period of twelve years.

Such denunciation must be notified in writing, at least one year in advance, to the British Government, which shall inform all the other Powers. It will only operate in respect of the denouncing Power.

ARTICLE LXX

The Powers represented at the London Naval Conference attach particular importance to the general recognition of the rules which they have adopted, and therefore express the hope that the Powers which were not represented there will accede to the present Declaration. They request the British Government to invite them to do so.

A Power which desires to accede shall notify its intention in writing to the British Government, and transmit simultaneously the act of accession, which will be deposited in the archives of the said Government.

The said Government shall forthwith transmit to all the other Powers a duly certified copy of the notification, together with the act of accession, and communicate the date on which such notification was received. The accession takes effect sixty days after such date.

In respect of all matters concerning this Declaration, acceding Powers shall be on the same footing as the Signatory Powers.

ARTICLE LXXI

The present Declaration, which bears the date of the 28th February, 1909, may be signed in London up till the 30th June, 1909, by the Plenipotentiaries of the Powers represented at the Naval Conference.

In faith whereof the Plenipotentiaries have signed the present Declaration, and have thereto affixed their seals.

Done at London, the twenty-sixth day of February, one thousand nine hundred and nine, in a single original, which shall remain deposited in the archives of the British Government, and of which duly certified copies shall be sent through the diplomatic channel to the Powers represented at the Naval Conference.

APPENDIX O

CONVENTION ON MARITIME NEUTRALITY.

SIGNED AT HABANA, FEBRUARY 28, 1928

SECTION I

Freedom of Commerce in Time of War

ARTICLE I

The following rules shall govern commerce in time of war:

1. Warships of the belligerents have the right to stop and visit on the high seas and in territorial waters that are not neutral any merchant ship with the object of ascertaining its character and nationality and of verifying, whether it conveys cargo prohibited by international law or has committed any violation of blockade. If the merchant ship does not heed the signal to stop, it may be pursued by the warship and stopped by force; outside of such a case the ship cannot be attacked unless, after being hailed, it fails to observe the instructions given it.
The ship shall not be rendered incapable of navigation before the crew and passengers have been placed in safety.

2. Belligerent submarines are subject to the foregoing rules. If the submarine cannot capture the ship while observing these rules, it shall not have the right to continue to attack or to destroy the ship.

ARTICLE II

Both the detention of the vessel and its crew for violation of neutrality shall be made in accordance with the procedure which best suits the state effecting it and at the expense of the transgressing ship. Said state, except in the case of grave fault on its part, is not responsible for damages which the vessel may suffer.

SECTION II

Duties and Rights of Belligerents

ARTICLE III

Belligerent states are obligated to refrain from performing acts of war in neutral waters or other acts which may constitute on the part of the state that tolerates them, a violation of neutrality.

ARTICLE IV

Under the terms of the preceding article, a belligerent state is forbidden:

(a) To make use of neutral waters as a base of naval operations against the enemy, or to renew or augment military supplies or the armament of its ships, or to complete the equipment of the latter;
(b) To install in neutral waters radio-telegraph stations or any other apparatus which may serve as a means of communication with its military forces, or to make use of installations of this kind it may have established before the war and which may not have been opened to the public.

ARTICLE V

Belligerent warships are forbidden to remain in the ports or waters of a neutral state more than twenty-four hours. This provision will be communicated to the ship as soon as it arrives in port or in the territorial waters, and if already there at the time of the declaration of war, as soon as the neutral state becomes aware of this declaration.

Vessels used exclusively for scientific, religious, or philanthropic purposes are exempted from the foregoing provisions.

A ship may extend its stay in port more than twenty-four hours in case of damage or bad conditions at sea, but must depart as soon as the cause of the delay has ceased.

When, according to the domestic law of the neutral state, the ship may not receive fuel until twenty-four hours after its arrival in port, the period of its stay may be extended an equal length of time.

ARTICLE VI

The ship which does not conform to the foregoing rules may be interned by order of the neutral government.

A ship shall be considered as interned from the moment it receives notice to that effect from the local neutral authority, even though a petition for reconsideration of the order has been interposed by the transgressing vessel, which shall remain under custody from the moment it receives the order.

ARTICLE VII

In the absence of a special provision of the local legislation, the maximum number of ships of war of a belligerent which may be in a neutral port at the same time shall be three.
3. That the transformation be genuine, namely, that the vessel show neither in its crew nor in its equipment that it can serve the armed fleet of its country as an auxiliary, as it did before;

4. That the government of the country to which the ship belongs communicate to the states the names of the auxiliary craft which have lost such character in order to recover that of merchants; and

5. That the same government obligate itself that said ships shall not again be used as auxiliaries to the war fleet.

ARTICLE XIV

The airships of belligerents shall not fly above the territory or the territorial waters of neutrals if it is not in conformity with the regulations of the latter.

SECTION III
Rights and Duties of Neutrals

ARTICLE XV

Of the acts of assistance coming from the neutral states, and the acts of commerce on the part of individuals, only the first are contrary to neutrality.

ARTICLE XVI

The neutral state is forbidden:

(a) To deliver to the belligerent, directly or indirectly, or for any reason whatever, ships of war, munitions or any other war material;

(b) To grant it loans, or to open credits for it during the duration of war.

Credited that a neutral state may give to facilitate the sale or exportation of its food products and raw materials are not included in this prohibition.

ARTICLE XVII

Prizes cannot be taken to a neutral port except in case of unsuavieworthiness, stress of weather, or want of fuel or provisions. When the cause has disappeared, the prizes must leave immediately; if none of the indicated conditions exist, the state shall suggest to them that they depart, and if not obeyed shall have recourse to the means at its disposal to disarm them with their officers and crew, or to intern the prize crew placed on board by the captor.

ARTICLE XVIII

Outside of the cases provided for in Article 17, the neutral state must release the prizes which may have been brought into its territorial waters.

ARTICLE XIX

When a ship transporting merchandise is to be interned in a neutral state, cargo intended for said country shall be unloaded and that destined for others shall be transhipped.

ARTICLE XX

The merchantman supplied with fuel or other stores in a neutral state which repeatedly delivers the whole or part of its supplies to a belligerent vessel, shall not again receive stores and fuel in the same state.

ARTICLE XXI

Should it be found that a merchantman flying a belligerent flag, by its preparations or other circumstances, can supply to warships of a state the stores which they need, the local authority may refuse it supplies or demand of the agent of the company a guarantee that the said ship will not aid or assist any belligerent vessel.

ARTICLE XXII

Neutral states are not obliged to prevent the export or transit at the expense of any one of the belligerents of arms, munitions and in general of anything which may be useful to their military forces.

Transit shall be permitted when, in the event of a war between two American nations, one of the belligerents is a Mediterranean country, having no other means of supplying itself, provided the vital interests of the country through which transit is requested do not suffer by the granting thereof.

ARTICLE XXIII

Neutral states shall not oppose the voluntary departure of nationals of belligerent states even though they leave simultaneously in great numbers; but they may oppose the voluntary departure of their own nationals going to enlist in the armed forces.

ARTICLE XXIV

The use by the belligerents of the means of communication of neutral states or which cross or touch their territory is subject to the measures dictated by the local authority.

ARTICLE XXV

If as the result of naval operations beyond the territorial waters of neutral states there should be dead or wounded on board belligerent vessels, said states may send hospital ships under the vigilance of the neutral government to the scene of the disaster. These ships shall enjoy complete immunity during the discharge of their mission.

ARTICLE XXVI

Neutral states are bound to exert all the vigilance within their power in order to prevent in their ports or territorial waters any violation of the foregoing provisions.

SECTION IV

Fulfilment and Observance of the Laws of Neutrality

ARTICLE XXVII

A belligerent shall indemnify the damage caused by its violation of the foregoing provisions. It shall likewise be responsible for the acts of persons who may belong to its armed forces.

ARTICLE XXVIII

The present convention does not affect obligations previously undertaken by the contracting parties through international agreements.

ARTICLE XXIX

After being signed, the present convention shall be submitted to the ratification of the signatory states. The Government of Cuba is charged with transmitting authenticated copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, the Union to notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications. This convention shall remain open to the adherence of non-signatory states.

In witness whereof, the aforesaid plenipotentiaries sign the present convention in Spanish, English, French, and Portuguese, in the city of Habana, the 20th day of February, 1928.
RESERVATION OF THE DELEGATION OF THE UNITED STATES OF AMERICA

The delegation of the United States of America signs the present convention with a reservation regarding Article 12, section 3.

RESERVATION OF THE DELEGATION OF CHILE

The delegation of Chile signs the present convention with a reservation concerning Article 22, paragraph 2.

RESERVATION OF THE DELEGATION OF CUBA

The delegation of the Republic of Cuba signs with a reservation in reference to Article 12, section 3.

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