

2.—The treaty of September 22, 1829, between Colombia and Peru, stipulates: "That in case of doubt over the proper interpretation of any of the articles of the treaty, both contracting parties shall submit to the decision of a friendly government."

3.—The treaty of November 8, 1831, between Bolivia and Peru, applies the compulsory clause, not to the interpretation, but to the observance of the compact. The treaty says: "If either of the Contracting Parties should violate one or some of the stipulations, they shall apply to the Power which guarantees them, so that it may declare which one of them has suffered the injury."

4.—The treaty of 9 of April, 1857, between New Granada and Portugal, also contains a compulsory clause with reference to the violations or infractions of any one, or some, of the articles stipulated, which shall be submitted to arbitral decision.

Analogous stipulations, relative to the misunderstandings, regarding the interpretation of the clauses, as well as the disputes over the compliance with obligations, are to be found:

5.—In the treaty of 8 March, 1858, between New Granada and Peru.

6.—In the treaty of 6 August, 1874, between Chili and Bolivia.

7.—In the treaty of 8 April, 1876, between Italy and Uruguay.

8.—In the treaty of 8 May, 1876, between Salvador and Guatemala.

9.—In the treaty of 9 July, 1885, between Mexico and Sweden and Norway.

10.—In the treaty of 12 September, 1885, between Guatemala, Salvador and Honduras.

11.—In the treaty of 22 May, 1888, between Ecuador and Spain.

12.—In the treaty of 10 July, 1888, between Mexico and Ecuador.

13.—In the treaty of 27 November, 1888, between Mexico and Great Britain.

14.—In the treaty of 28 April, 1894, between Colombia and Spain.

15.—In the treaty of 28 April, 1894, between Ecuador and Colombia.

16.—In the treaty of 17 February, 1892, between the Central American Republics.

17.—In the treaty of 18 June, 1898, between Peru and Spain.

This treaty, the same as the former ones, contains the compulsory clause in a general way, that is, that, according to it, difficulties originated or which may originate from existing treaties, and even from those which may be concluded in future, shall be submitted to arbitration.

In the European practice, the compulsory clause refers principally to the execution or interpretation of treaties or conventions, which have no political character, and above all, to the treaties known by the name of Universal Unions. It was observed for this reason, in the Conference of The Hague, that the first attempt to introduce Compulsory Arbitration into international practice, was made precisely in a treaty of a universal character, to wit: the one relating to the Postal Union in 1874.

In America, we have, strictly speaking, no treaties of a political character, and it would be difficult

to cite an example. All our treaties refer to boundary disputes, to questions of river navigation, to occupation of territories, to diplomatic or consular privileges, and generally to affairs of a juridical nature. In all these cases, for the same reason, Compulsory Arbitration should serve as a guarantee, secured beforehand, against the exaltation of popular passions and the weakness of governments.

A treaty of Arbitration, of an advanced character, should not enumerate the cases in which it is compulsory to submit to the decision of arbitration, because in such case, all the cases not enumerated would remain excluded from the obligation of arbitration. Thus, arbitration, would constitute the exception, and not the rule. On the contrary, the cases excluded from arbitration are those that should be specified. For this reason, whenever it is a question of concluding a compact of compulsory arbitration, restricted for reasons of independence or national honor, the proper thing to do is to specify the conflicts, in which one or the other of these reasons may be involved, and limiting such exceptions to these cases; which presents the advantage of converting Compulsory Arbitration into a principle, the generality of which is only limited by those cases, in which the majority of the countries think it necessary to have absolute liberty of judgment and of action.

From the arguments stated, it may be deduced that the traditional policy of Peru, during all the epochs of its independent existence, and with all countries regardless of their relative power, has been in favor of Compulsory Arbitration, in as ample a form as the other contracting countries were willing to admit; that this policy is in accord with the real and permanent interests of the republics of America; that if restrictions are to be admitted in this class of treaties, they should be specified, leaving in force the obligation to resort to arbitration as a general rule, and that in any case, all controversies relating to boundaries and the validity, interpretation of, and compliance with international treaties, should be decided by this pacific mean.

The delegation of Peru, however, having been compelled to make concessions in many respects, in order to be in harmony with the majority of the delegations of the republic represented in this Conference, the treaty of Compulsory Arbitration, signed by ten delegations, signifies for the undersigned nothing more than a compromise.

Mexico, January 22, 1902.—(Signed).—*Isaac Alzamora*.—*Manuel Alvarez Calderon*.—*Alberto Elmore*.

Secretary Duret.—The Chair rules that there be inserted in the minutes the document referred to in the note of the Peruvian Delegation, and that copy be remitted to the Secretary of Foreign Affairs of Mexico.

TREATY ON COMPULSORY ARBITRATION.

Department of State and of Foreign Affairs.—Mexico.—Bureau for America, Asia and Oceania.—City of Mexico, January 29th, 1902.—In order that it be published, together with other documents relating to

the Conference, an in compliance with your request, I have the honor of transmitting to you herewith a copy of the Treaty on Compulsory Arbitration, signed by some of the Delegations, which Treaty was sent by you to the Department as a project, for the purpose of raising it to the category of an International Convention.

Please accept the expression of my high esteem.—(Signed.) *Mariscal*.—To the Secretary General of the American International Conference.

The undersigned, delegates to the Second International American Conference, for the Argentine, Bolivia, Dominican Republic, Guatemala, Salvador, Mexico, Paraguay, Peru and Uruguay, reunited in the City of Mexico, and duly authorized by their respective Governments, have agreed upon the following articles:

Art. 1st. The High Contracting Parties obligate themselves to submit to the decision of arbitrators all controversies that exist, or may arise, among them and which diplomacy cannot settle, provided that in the exclusive judgment of any of the interested Nations said controversies do not affect either the independence or the national honor.

Art. 2nd. Independence or national honor shall not be considered as involved in controversies with regard to diplomatic privileges, boundaries, right of navigation, and validity, construction and enforcement of treaties.

Art. 3rd. By virtue of the power established in Article 26th. of the Convention for the peaceful adjustment of international differences signed at The Hague on July 29th. 1899, the High Contracting Parties agree to submit to the decision of the Permanent Court of Arbitration, created by such Convention, all the controversies referred to in the present Treaty, unless either of the Parties prefers the establishment of a special tribunal.

In the event that the High Contracting Parties should submit to the jurisdiction of the Permanent Court of The Hague, they accept the precepts of said Convention, both with respect to the organization of the Tribunal as to its procedure.

Art. 4th. Whenever a special Tribunal should be organized on any account, whether it is desired by any of the parties, or because the Permanent Court of Arbitration of The Hague should not be opened to them, the procedure to be followed shall be established at the time the arbitration agreement is signed. The Court shall determine the date and place of its sessions and the language to be used, and shall, in every case be invested with the authority to decide all questions relating to its own jurisdiction and even those referring to the procedure of points not considered in the arbitration agreement.

Art. 5th. If upon organizing a special Tribunal the High Contracting Parties should not agree upon the designation of the arbitrator, the Tribunal shall consist of three judges. Each State shall appoint an arbitrator who will designate an umpire. Should the arbitrators fail to agree on this appointee, it shall be made by the Government of a third State, to be designated by the arbitrators appointed by the parties. If no agreement is reached with regard to this last appointment, each of the parties shall name a different Power and the election of the third arbitrators shall be made by the two Powers so designated.

Art. 6th. The High Contracting Parties hereby sti-

pulate that, in case of a serious disagreement or conflict between two or more of them, which may render war imminent, they will have recourse, as far as circumstances allow, to the good offices or the mediation to the States at variance.

Art. 7th. Independently of this recourse, the High Contracting Parties judge it convenient that one or more Powers, foreign to the conflict, offer spontaneously, in so far as circumstances permit, their good offices or their mediation to the States in conflict.

The right to offer the Good Offices on Mediation belongs to Powers who are strangers to the conflict, even during the course of hostilities.

The exercise of this right shall never be regarded by either of the contending parties as an unfriendly act.

Art. 8th. The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentments which may have arisen between the State at variance.

Art. 9th. The functions of the mediator are at an end when once it is declared either by one of the parties to the dispute or by the mediator himself, that the methods of conciliation proposed by him are not accepted.

Art. 10th. Good Offices and Mediation, whether at the request of the parties at variance or upon the initiative of Powers, who are strangers to the dispute, have exclusively the character of advice, and never have binding force.

Art. 11th. The acceptance of mediation cannot, unless there be an agreement to the contrary, have the effect of interrupting, delaying or hindering mobilization, or other measures of preparation for war. If mediation occurs after the commencement of hostilities, it causes no interruption to the military operations in progress, unless there be an agreement to the contrary.

Art. 12th. In case of a serious difference endangering peace, and whenever the interested Powers cannot agree in electing or accepting as mediator a friendly Power, it is to be recommended to the States in dispute the election of a Power to whom they shall respectively entrust the mission of entering into direct negotiation with the Power elected by the other interested party, with the object of preventing the rupture of pacific relations.

For the period of this mandate, the term of which, unless otherwise stipulated, cannot exceed thirty days the contending Powers shall cease all direct communication on the subject of the dispute, which is regarded as referred exclusively to the mediating Powers.

If these friendly Powers do not succeed in agreeing on a solution that would be acceptable to those in conflict, they shall designate a third that is to act as mediator. This third Power, in case of a definite rupture of pacific relations, shall at all times be charged with the task of taking advantage of any opportunity to restore peace.

Art. 13th. In controversies of an international nature arising from a difference of opinion on points of facts, the signatory Powers consider it useful that the parties who have not been able to come to an agreement by means of diplomacy, should, so far as circumstances allow, institute an International Commission of Inquiry, to facilitate a solution of those differences, elucidating the facts by means of an impartial and conscientious investigation.

Art. 14th. The International Commissions of Inquiry are constituted by special agreement. The agreement defines the facts to be examined, an the extent of the Commissioner's powers, and settles the procedure to which they must limit themselves. On the inquiry both sides shall be heard, and the form and periods to be observed, if not stipulated by the agreement, shall be determined by the Commission itself.

Art. 15th. The International Commissions of Inquiry are constituted, unless otherwise stipulated, in the same manner as the Tribunal of Arbitration.

Art. 16th. The Powers in dispute engage to supply the International Commission of Inquiry, as fully as they may deem possible, with all means and facilities necessary to enable it to be completely acquainted with an to accurately understand the facts in question.

Art. 17th. The above mentioned Commissions shall limit themselves to ascertain the truth of the facts alleged, without entering into any other appreciations than those merely technical.

Art. 18th. The International Commission of Inquiry shall present its report to the Powers which have constituted it, signed by all its members. This report, limited to the investigation of facts, has in no manner the character of an arbitral award, and it leaves the contending parties at liberty to give it the value they may deem proper.

Art. 19th. The constitution of Commissions of Inquiry may be included in the Arbitration Bonds, as a previous proceeding, to the end of determining the facts which are to be the subject of the Inquiry.

Art. 20th. The present Treaty does not abrogate any previous existing ones, between two or more of the Contracting Parties, in so far as they give greater extension to Compulsory Arbitration. Neither does it alter the stipulations regarding Arbitration, relating to specific questions which have already arisen, nor the course of arbitration proceedings which may be pending by reason of the same.

Art. 21st. Without the necessity of exchanging ratifications, this Treaty shall take effect so soon as three States, at least, of those signing it, express their approval to the Government of the United States of

Mexico, which shall communicate it to the other Governments.

Art. 22nd. The nations which do not sign the present Treaty, may adhere to it at any time. If any of the signatory nations should desire to free itself from its obligations, it shall denounce the Treaty, but such denouncement shall not produce any effect except with respect to the nation which may denounce it, and only one year after the notification of the same has been made.

Whenever the denouncing nation shall have any arbitration negotiations pending at the expiration of the year, the denouncement shall not have any effect with reference to the case not yet decided.

GENERAL PROVISIONS.

I. This Treaty shall be ratified as soon as possible.

II. The ratifications shall be forwarded to the Department for Foreign Relations of Mexico, where they shall be deposited.

III. The Mexican Government shall send a certified copy of each of them to the other Contracting Governments.

In virtue whereof they have signed the present Treaty and have attached their respective seals thereto.

Made in the City of Mexico, on the twenty-ninth day of January one thousand nine hundred and two, in one single copy, which shall be deposited in the Department for Foreign Relations of the United Mexican States, a certified copy of which shall be sent, through diplomatic channels, to each of the Contracting Governments.

(Signed.) For Argentine Republic, *Antonio Bermejo, Lorenzo Anadon*.—For Bolivia, *Fernando E. Guachalla*.—For Dominican, *Federico Henriquez i Carvajal*.—For Guatemala, *Francisco Orla*.—For Salvador, *Francisco A. Reyes, Baltasar Estupinian*.—For Mexico, *G. Raigosa, Joaquin D. Casaus, Pablo Macedo, E. Pardo, (jr.), Alfredo Chavero, Jose Lopez Portillo y Rojas, F. L. de la Barra, Rosendo Pineda, M. Sanchez Marmol*.—For Paraguay, *Cecilio Baez*.—For Peru, *Manuel Alvarez Calderon, Alberto Elmore*.—For Paraguay, *Juan Cuestas*.

NUMBER 21.

Dictionary of Mr. Rufino J. Cuervo.

SESSION OF JANUARY 30, 1902.

Secretary Macedo.—A convention has been received signed by various Delegations for the purpose of recommending to their respective Governments that a subscription be made of 210,000 francs for the complete edition of the Dictionary on the Construction and Regimen of the Castilian Language, by Rufino J. Cuervo. Said convention, which the Chair rules pass to the Secretary of Foreign Relations of Mexico, for the purposes in it expressed, reads as follows:

PROPOSITION for the purpose that the Governments of the American Republics may subscribe frs. 210,000 for the complete edition of the DICTIONARY OF CONSTRUCTION AND RULES OF THE SPANISH LANGUAGE by Mr. Rufino J. Cuervo.

The undersigned Delegates, considering:

That the Spanish language, by unanimous accord of the American and European philologists, possess

ses in the *Dictionary of Construction and Rules of the Spanish Language* of the Colombian writer Rufino J. Cuervo, a monument which highly honors the science of America, destined to contribute in a powerful manner to the better knowledge and perfection of the very language itself, that the work has been undertaken and accomplished with admirable ability, erudition and perseverance by an American who has rendered his name illustrious by a great number of the most delicate linguistic works; that notwithstanding the acceptance which the work has met, only the first two volumes have been published, owing to the cost to which the complete edition amounts: that the three remaining volumes which are about to be published, will form, when the work is complete, the most valuable, extensive and methodical lexicographic work of the said language, that the author of the Dictionary offers with pleasure to cede it and to attend without compensation

to the printing of the same, which is extremely laborious;

HAVE AGREED:

I. To recommend to their respective Governments to subscribe the amount of frs. 210,000 for the complete edition of 1,200 copies of the *Dictionary of Construction and Rules of the Spanish Language*. The said amount of frs. 210,000, which the edition will cost, according to the statement of the author, shall be distributed among the countries, which accept this agreement, in the following manner: the Republics of Argentine, Colombia, Chili, United States of Mexico, shall contribute the sum of frs. 110,000 in equal parts, that is to say, frs. 22,000 each; the Republics of Bolivia, Costa-Rica, Santo Domingo, Ecuador, Salvador, Guatemala, Honduras, Nicaragua, Paraguay and Uruguay, shall contribute frs. 100,000 also in equal parts, that is frs. 10,000 each.

II. To request the Mexican Government to undertake the realization of this idea, collecting the amount of the subscriptions, furnishing the funds

to the author of the work; and distributing copies of the same among the Governments that have contributed to it.

Therefore, the undersigned Delegates recommend to the Conference to resolve that the present petition be transmitted through its Secretary General, to the Department of Foreign Affairs of Mexico, for the purpose indicated.

Mexico, January 28th., 1902.—(Signed.) *Antonio Bermejo*.—*W. I. Buchanan*.—*Charles M. Pepper*.—*Volney W. Foster*.—*Lorenzo Anadon*.—*Fernando E. Guachalla*, Delegate for Bolivia.—*J. Walker M.*—For Mexico: *Rosendo Pineda*.—*Joaquin D. Casaus*.—*Pablo Macedo*.—*F. L. de la Barra*.—*G. Raigosa*.—*Alfredo Chavero*.—*J. B. Calvo*.—*Juan Cuestas*.—For Nicaragua: *L. F. Carbo*.—*F. Davila*.—*Baltazar Estupinian*.—Delegate for Salvador, *Emilio Bello C.*, Delegate for Chili.—For Colombia: *Rafael Reyes, M. Sanchez Marmol*, Mexican Delegate.—*E. Pardo, jr.*, Delegate for Mexico.—*Cecilio Baez*, Delegate for Paraguay.—*Francisco Orla, Francisco A. Reyes*, Delegate for Salvador.

NUMBER 22.

Geographical Congress in Rio Janeiro.

SESSION OF DECEMBER 30, 1901.

His Excellency General Reyes, Delegate from Colombia.—Mr. President: Having to present to the Honorable Conference a labor that by its very nature is somewhat extensive, I have passed to the American Delegation a copy of it in English, in order thus to save time, and to avoid a second reading. The quality of the work has rendered it impossible for me to reduce it more; I have tried to mark those points of general interest for this Assembly, and if in aught this memoria resembles the description of an exploration, I beg the pardon of my colleagues for being unable to present in briefer form this work, as in the map that I have had the honor to submit to the Conference. It states:

NARRATIVE of the journeys of exploration made by General Reyes and his brothers Nestor and Henry, in some regions of South America.

Mr. President:

I have the honor to present to the Conference the Charts of the explorations I made, with my brothers Henry and Nestor, during several years, in South America, from the Pacific to the Atlantic, in the immense territories which are watered by the Amazon and its tributaries, and the Parana and its own tributaries.

I confess that, although I have been urged to publish this work by members of the Geographical Societies of London and of Paris and by various other persons interested in Geography, I had not done so, because the disastrous death of my two brothers during these explorations, the elder, Henry, a victim of fever, and the younger, Nestor, devoured by the cannibals of Putumayo, caused me to halt in that enterprise, and the plans and notes have reposed during

a long time among my papers, untouched, through the egotism of my affliction . . . !

To-day, when I have the unmerited honor of belonging to this Conference, in which are represented all the countries of the three Americas, by their most distinguished sons, I believe it becomes an unavoidable duty to give publicity to this work, which interests all the nations herein represented.

If the territories to which I refer presented a few years ago but a local and relative importance, such is not the case to-day, because the development of navigation and of commerce and the growing necessities of humanity demand that they should not remain ignored and unproductive. In the extended forests in which the cannibal savages were wandering when we made these explorations, there exists to-day an important commerce of some tens of millions of dollars and towns of thousands of inhabitants have been established.

Furthermore, the proposed Inter-Continental Railway, a work of great civilizing tendency, in which this Conference manifests so much interest, will give a very great importance to these territories, the ownership of which lies in almost all the countries herein represented, excepting, however, those of North and Central America and Chili.

When I had the honor to visit President Roosevelt while passing through Washington, he stated to me that he knew of the explorations which I had made with my brothers, in South America, and about which the *New York Herald* had written in the month of March of the present year; President Roosevelt encouraged me to give to this Conference an account of the same, and, with the clear vision of a great statesman, he told me:

"That region is a New World destined for the progress and the welfare of humanity."