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CHARTER OF THE ORGANIZATION OF AMERICAN STATES

**Signed at the Ninth International Conference of American States
Bogotá, March 30-May 2, 1948**

**As amended by the Protocol of Buenos Aires
signed at the Third Special Inter-American Conference,
February 15 - 27, 1967**

AND

INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

**Signed at the Inter-American Conference for the Maintenance of
Continental Peace and Security,
Rio de Janeiro, August 15-September 2, 1947**

**General Secretariat
Organization of American States
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**CHARTER OF THE
ORGANIZATION OF AMERICAN STATES***

IN THE NAME OF THEIR PEOPLES, THE STATES
REPRESENTED AT THE NINTH INTERNATIONAL CONFERENCE
OF AMERICAN STATES,

Convinced that the historic mission of America is to offer to man a land of liberty, and a favorable environment for the development of his personality and the realization of his just aspirations;

Conscious that that mission has already inspired numerous agreements, whose essential value lies in the desire of the American peoples to live together in peace, and, through their mutual understanding and respect for the sovereignty of each one, to provide for the betterment of all, in independence, in equality and under law;

Confident that the true significance of American solidarity and good neighborliness can only mean the consolidation on this continent, within the framework of democratic institutions, of a system of individual liberty and social justice based on respect for the essential rights of man;

Persuaded that their welfare and their contribution to the progress and the civilization of the world will increasingly require intensive continental cooperation;

Resolved to persevere in the noble undertaking that humanity has conferred upon the United Nations, whose principles and purposes they solemnly reaffirm;

Convinced that juridical organization is a necessary condition for security and peace founded on moral order and on justice; and

In accordance with Resolution IX of the Inter-American Conference on Problems of War and Peace, held at Mexico City,

HAVE AGREED
upon the following

**This text went into force on February 27, 1970.*

CHARTER
OF THE ORGANIZATION OF
AMERICAN STATES

PART ONE

Chapter 1

NATURE AND PURPOSES

Article 1

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their collaboration, and to defend their sovereignty, their territorial integrity, and their independence. Within the United Nations, the Organization of American States is a regional agency.

Article 2

The Organization of American States, in order to put into practice the principles on which it is founded and to fulfill its regional obligations under the Charter of the United Nations, proclaims the following essential purposes:

- a) To strengthen the peace and security of the continent;
- b) To prevent possible causes of difficulties and to ensure the pacific settlement of disputes that may arise among the Member States;
- c) To provide for common action on the part of those States in the event of aggression;
- d) To seek the solution of political, juridical, and economic problems that may arise among them; and
- e) To promote, by cooperative action, their economic, social, and cultural development.

Chapter II

PRINCIPLES

Article 3

The American States reaffirm the following principles:

- a) International law is the standard of conduct of States in their reciprocal relations;
- b) International order consists essentially of respect for the personality, sovereignty, and independence of States, and the faithful fulfillment of obligations derived from treaties and other sources of international law;
- c) Good faith shall govern the relations between States;
- d) The solidarity of the American States and the high aims which are sought through it require the political organization of those States on the basis of the effective exercise of representative democracy;
- e) The American States condemn war of aggression: victory does not give rights;
- f) An act of aggression against one American State is an act of aggression against all the other American States;
- g) Controversies of an international character arising between two or more American States shall be settled by peaceful procedures;
- h) Social justice and social security are bases of lasting peace;
- i) Economic cooperation is essential to the common welfare and prosperity of the peoples of the continent;
- j) The American States proclaim the fundamental rights of the individual without distinction as to race, nationality, creed, or sex;

- k) The spiritual unity of the continent is based on respect for the cultural values of the American countries and requires their close cooperation for the high purposes of civilization;
- l) The education of peoples should be directed toward justice, freedom, and peace.

Chapter III

MEMBERS

Article 4

All American States that ratify the present Charter are Members of the Organization.

Article 5

Any new political entity that arises from the union of several Member States and that, as such, ratifies the present Charter, shall become a Member of the Organization. The entry of the new political entity into the Organization shall result in the loss of membership of each one of the States which constitute it.

Article 6

Any other independent American State that desires to become a Member of the Organization should so indicate by means of a note addressed to the Secretary General, in which it declares that it is willing to sign and ratify the Charter of the Organization and to accept all the obligations inherent in membership, especially those relating to collective security expressly set forth in Articles 27 and 28 of the Charter.

Article 7

The General Assembly, upon the recommendation of the Permanent Council of the Organization, shall determine whether it is appropriate that the Secretary General be authorized to permit the applicant State to sign the Charter and to accept the deposit of the

corresponding instrument of ratification. Both the recommendation of the Permanent Council and the decision of the General Assembly shall require the affirmative vote of two thirds of the Member States.

Article 8

The Permanent Council shall not make any recommendation nor shall the General Assembly take any decision with respect to a request for admission on the part of a political entity whose territory became subject, in whole or in part, prior to December 18, 1964, the date set by the First Special Inter-American Conference, to litigation or claim between an extracontinental country and one or more Member States of the Organization, until the dispute has been ended by some peaceful procedure.

Chapter IV

FUNDAMENTAL RIGHTS AND DUTIES OF STATES

Article 9

States are juridically equal, enjoy equal rights and equal capacity to exercise these rights, and have equal duties. The rights of each State depend not upon its power to ensure the exercise thereof, but upon the mere fact of its existence as a person under international law.

Article 10

Every American State has the duty to respect the rights enjoyed by every other State in accordance with international law.

Article 11

The fundamental rights of States may not be impaired in any manner whatsoever.

Article 12

The political existence of the State is independent of recognition by other States. Even before being recognized, the State has the right to

defend its integrity and independence, to provide for its preservation and prosperity, and consequently to organize itself as it sees fit, to legislate concerning its interest, to administer its services, and to determine the jurisdiction and competence of its courts. The exercise of these rights is limited only by the exercise of the rights of other States in accordance with international law.

Article 13

Recognition implies that the State granting it accepts the personality of the new State, with all the rights and duties that international law prescribes for the two States.

Article 14

The right of each State to protect itself and to live its own life does not authorize it to commit unjust acts against another State.

Article 15

The jurisdiction of States within the limits of their national territory is exercised equally over all the inhabitants, whether nationals or aliens.

Article 16

Each State has the right to develop its cultural, political, and economic life freely and naturally. In this free development, the State shall respect the rights of the individual and the principles of universal morality.

Article 17

Respect for and the faithful observance of treaties constitute standards for the development of peaceful relations among States. International treaties and agreements should be public.

Article 18

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of

any other State. The foregoing principle prohibits not only armed force but also any other form of interference or attempted threat against the personality of the State or against its political, economic, and cultural elements.

Article 19

No State may use or encourage the use of coercive measures of an economic or political character in order to force the sovereign will of another State and obtain from it advantages of any kind.

Article 20

The territory of a State is inviolable; it may not be the object, even temporarily, of military occupation or of other measures of force taken by another State, directly or indirectly, on any grounds whatever. No territorial acquisitions or special advantages obtained either by force or by other means of coercion shall be recognized.

Article 21

The American States bind themselves in their international relations not to have recourse to the use of force, except in the case of self-defense in accordance with existing treaties or in fulfillment thereof.

Article 22

Measures adopted for the maintenance of peace and security in accordance with existing treaties do not constitute a violation of the principles set forth in Articles 18 and 20.

Chapter V

PACIFIC SETTLEMENT OF DISPUTES

Article 23

All international disputes that may arise between American States shall be submitted to the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations.

Article 24

The following are peaceful procedures: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the dispute may especially agree upon at any time.

Article 25

In the event that a dispute arises between two or more American States which, in the opinion of one of them, cannot be settled through the usual diplomatic channels, the parties shall agree on some other peaceful procedure that will enable them to reach a solution.

Article 26

A special treaty will establish adequate procedures for the pacific settlement of disputes and will determine the appropriate means for their application, so that no dispute between American States shall fail of definitive settlement within a reasonable period.

Chapter VI

COLLECTIVE SECURITY

Article 27

Every act of aggression by a State against the territorial integrity or the inviolability of the territory or against the sovereignty or political independence of an American State shall be considered an act of aggression against the other American States.

Article 28

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an armed attack or by an act of aggression that is not an armed attack, or by an extracontinental conflict, or by a conflict between two or more American States, or by any other fact or situation that might endanger the peace of America, the American States, in

furtherance of the principles of continental solidarity or collective self-defense, shall apply the measures and procedures established in the special treaties on the subject.

Chapter VII

ECONOMIC STANDARDS

Article 29

The Member States, inspired by the principles of inter-American solidarity and cooperation, pledge themselves to a united effort to ensure social justice in the Hemisphere and dynamic and balanced economic development for their peoples, as conditions essential to peace and security.

Article 30

The Member States pledge themselves to mobilize their own national human and material resources through suitable programs, and recognize the importance of operating within an efficient domestic structure, as fundamental conditions for their economic and social progress and for assuring effective inter-American cooperation.

Article 31

To accelerate their economic and social development, in accordance with their own methods and procedures and within the framework of the democratic principles and the institutions of the inter-American system, the Member States agree to dedicate every effort to achieve the following basic goals:

- a) Substantial and self-sustained increase in the per capita national product;
- b) Equitable distribution of national income;
- c) Adequate and equitable systems of taxation;
- d) Modernization of rural life and reforms leading to equitable and efficient land-tenure systems, increased agricultural productivity,

expanded use of undeveloped land, diversification of production; and improved processing and marketing systems for agricultural products, and the strengthening and expansion of facilities to attain these ends;

- e) Accelerated and diversified industrialization, especially of capital and intermediate goods;
- f) Stability in the domestic price levels, compatible with sustained economic development and the attainment of social justice;
- g) Fair wages, employment opportunities, and acceptable working conditions for all;
- h) Rapid eradication of illiteracy and expansion of educational opportunities for all;
- i) Protection of man's potential through the extension and application of modern medical science;
- j) Proper nutrition, especially through the acceleration of national efforts to increase the production and availability of food;
- k) Adequate housing for all sectors of the population;
- l) Urban conditions that offer the opportunity for a healthful, productive, and full life;
- m) Promotion of private initiative and investment in harmony with action in the public sector; and
- n) Expansion and diversification of exports.

Article 32

In order to attain the objectives set forth in this Chapter, the Member States agree to cooperate with one another, in the broadest spirit of inter-American solidarity, as far as their resources may permit and their laws may provide.

Article 33

To attain balanced and sustained development as soon as feasible, the Member States agree that the resources made available from time to time by each, in accordance with the preceding Article, should be provided under flexible conditions and in support of the national and multinational programs and efforts undertaken to meet the needs of the assisted country, giving special attention to the relatively less-developed countries.

They will seek, under similar conditions and for similar purposes, financial and technical cooperation from sources outside the Hemisphere and from international institutions.

Article 34

The Member States should make every effort to avoid policies, actions, or measures that have serious adverse effects on the economic or social development of another Member State.

Article 35

The Member States agree to join together in seeking a solution to urgent or critical problems that may arise whenever the economic development or stability of any Member State is seriously affected by conditions that cannot be remedied through the efforts of that State.

Article 36

The Member States shall extend among themselves the benefits of science and technology by encouraging the exchange and utilization of scientific and technical knowledge in accordance with existing treaties and national laws.

Article 37

The Member States, recognizing the close interdependence between foreign trade and economic and social development, should make individual and united efforts to bring about the following:

- a) Reduction or elimination, by importing countries, of tariff and non-tariff barriers that affect the exports of the Members of the Organization, except when such barriers are applied in order to diversify the economic structure, to speed up the development of the less-developed Member States, or to intensify their process of economic integration, or when they are related to national security or to the needs for economic balance;
- b) Maintenance of continuity in their economic and social development by means of:
 - i. Improved conditions for trade in basic commodities through international agreements, where appropriate; orderly marketing procedures that avoid the disruption of markets; and other measures designed to promote the expansion of markets, and to obtain dependable incomes for producers, adequate and dependable supplies for consumers, and stable prices that are both remunerative to producers and fair to consumers;
 - ii. Improved international financial cooperation and the adoption of other means for lessening the adverse impact of sharp fluctuations in export earnings experienced by the countries exporting basic commodities; and
 - iii. Diversification of exports and expansion of export opportunities for manufactured and semimanufactured products from the developing countries by promoting and strengthening national and multinational institutions and arrangements established for these purposes.

Article 38

The Member States reaffirm the principle that when the more-developed countries grant concessions in international trade agreements that lower or eliminate tariffs or other barriers to foreign trade so that they benefit the less-developed countries, they should not expect reciprocal concessions from those countries that are incompatible with their economic development, financial, and trade needs.

Article 39

The Member States, in order to accelerate their economic

development, regional integration, and the expansion and improvement of the conditions of their commerce, shall promote improvement and coordination of transportation and communication in the developing countries and among the Member States.

Article 40

The Member States recognize that integration of the developing countries of the Hemisphere is one of the objectives of the inter-American system and, therefore, shall orient their efforts and take the necessary measures to accelerate the integration process, with a view to establishing a Latin American common market in the shortest possible time.

Article 41

In order to strengthen and accelerate integration in all its aspects, the Member States agree to give adequate priority to the preparation and carrying out of multinational projects and to their financing, as well as to encourage economic and financial institutions of the inter-American system to continue giving their broadest support to regional integration institutions and programs.

Article 42

The Member States agree that technical and financial cooperation that seeks to promote regional economic integration should be based on the principle of harmonious, balanced, and efficient development, with particular attention to the relatively less-developed countries, so that it may be a decisive factor that will enable them to promote, with their own efforts, the improved development of their infrastructure programs, new lines of production, and export diversification.

Chapter VIII

SOCIAL STANDARDS

Article 43

The Member States, convinced that man can only achieve the full realization of his aspirations within a just social order, along with

economic development and true peace, agree to dedicate every effort to the application of the following principles and mechanisms:

- a) All human beings, without distinction as to race, sex, nationality, creed, or social condition, have a right to material well-being and to their spiritual development, under circumstances of liberty, dignity, equality of opportunity, and economic security;
- b) Work is a right and a social duty, it gives dignity to the one who performs it, and it should be performed under conditions, including a system of fair wages, that ensure life, health, and a decent standard of living for the worker and his family, both during his working years and in his old age, or when any circumstance deprives him of the possibility of working;
- c) Employers and workers, both rural and urban, have the right to associate themselves freely for the defense and promotion of their interests, including the right to collective bargaining and the workers' right to strike, and recognition of the juridical personality of associations and the protection of their freedom and independence, all in accordance with applicable laws;
- d) Fair and efficient systems and procedures for consultation and collaboration among the sectors of production, with due regard for safeguarding the interests of the entire society;
- e) The operation of systems of public administration, banking and credit, enterprise, and distribution and sales, in such a way, in harmony with the private sector, as to meet the requirements and interests of the community;
- f) The incorporation and increasing participation of the marginal sectors of the population, in both rural and urban areas, in the economic, social, civic, cultural, and political life of the nation, in order to achieve the full integration of the national community, acceleration of the process of social mobility, and the consolidation of the democratic system. The encouragement of all efforts of popular promotion and cooperation that have as their purpose the development and progress of the community;

- g) Recognition of the importance of the contribution of organizations such as labor unions, cooperatives, and cultural, professional, business, neighborhood, and community associations to the life of the society and to the development process;
- h) Development of an efficient social security policy; and
- i) Adequate provision for all persons to have due legal aid in order to secure their rights.

Article 44

The Member States recognize that, in order to facilitate the process of Latin American regional integration, it is necessary to harmonize the social legislation of the developing countries, especially in the labor and social security fields, so that the rights of the workers shall be equally protected, and they agree to make the greatest efforts possible to achieve this goal.

Chapter IX

EDUCATIONAL, SCIENTIFIC, AND CULTURAL STANDARDS

Article 45

The Member States will give primary importance within their development plans to the encouragement of education, science, and culture, oriented toward the over-all improvement of the individual, and as a foundation for democracy, social justice, and progress.

Article 46

The Member States will cooperate with one another to meet their educational needs, to promote scientific research, and to encourage technological progress. They consider themselves individually and jointly bound to preserve and enrich the cultural heritage of the American peoples.

Article 47

The Member States will exert the greatest efforts, in accordance with their constitutional processes, to ensure the effective exercise of the right to education, on the following bases:

- a) Elementary education, compulsory for children of school age, shall also be offered to all others who can benefit from it. When provided by the State it shall be without charge;
- b) Middle-level education shall be extended progressively to as much of the population as possible, with a view to social improvement. It shall be diversified in such a way that it meets the development needs of each country without prejudice to providing a general education; and
- c) Higher education shall be available to all, provided that, in order to maintain its high level, the corresponding regulatory or academic standards are met.

Article 48

The Member States will give special attention to the eradication of illiteracy, will strengthen adult and vocational education systems, and will ensure that the benefits of culture will be available to the entire population. They will promote the use of all information media to fulfill these aims.

Article 49

The Member States will develop science and technology through educational and research institutions and through expanded information programs. They will organize their cooperation in these fields efficiently and will substantially increase exchange of knowledge, in accordance with national objectives and laws and with treaties in force.

Article 50

The Member States, with due respect for the individuality of each of them, agree to promote cultural exchange as an effective means of

consolidating inter-American understanding; and they recognize that regional integration programs should be strengthened by close ties in the fields of education, science, and culture.

PART TWO

Chapter X

THE ORGANS

Article 51

The Organization of American States accomplishes its purposes by means of:

- a) The General Assembly;
- b) The Meeting of Consultation of Ministers of Foreign Affairs;
- c) The Councils;
- d) The Inter-American Juridical Committee;
- e) The Inter-American Commission on Human Rights;
- f) The General Secretariat;
- g) The Specialized Conferences; and
- h) The Specialized Organizations.

There may be established, in addition to those provided for in the Charter and in accordance with the provisions thereof, such subsidiary organs, agencies, and other entities as are considered necessary.

Chapter XI
THE GENERAL ASSEMBLY

Article 52

The General Assembly is the supreme organ of the Organization of American States. It has as its principal powers, in addition to such others as are assigned to it by the Charter, the following:

- a) To decide the general action and policy of the Organization, determine the structure and functions of its organs, and consider any matter relating to friendly relations among the American States;
- b) To establish measures for coordinating the activities of the organs, agencies, and entities of the Organization among themselves and such activities with those of the other institutions of the inter-American system;
- c) To strengthen and coordinate cooperation with the United Nations and its specialized agencies;
- d) To promote collaboration, especially in the economic, social, and cultural fields, with other international organizations whose purposes are similar to those of the Organization of American States;
- e) To approve the program-budget of the Organization and determine the quotas of the Member States;
- f) To consider the annual and special reports that shall be presented to it by the organs, agencies, and entities of the inter-American system;
- g) To adopt general standards to govern the operations of the General Secretariat; and
- h) To adopt its own rules of procedure and, by a two-thirds vote, its agenda.

The General Assembly shall exercise its powers in accordance with the provisions of the Charter and of other inter-American treaties.

Article 53

The General Assembly shall establish the bases for fixing the quota that each Government is to contribute to the maintenance of the Organization, taking into account the ability to pay of the respective countries and their determination to contribute in an equitable manner. Decisions on budgetary matters require the approval of two thirds of the Member States.

Article 54

All Member States have the right to be represented in the General Assembly. Each State has the right to one vote.

Article 55

The General Assembly shall convene annually during the period determined by the rules of procedure and at a place selected in accordance with the principle of rotation. At each regular session the date and place of the next regular session shall be determined, in accordance with the rules of procedure.

If for any reason the General Assembly cannot be held at the place chosen, it shall meet at the General Secretariat, unless one of the Member States should make a timely offer of a site in its territory, in which case the Permanent Council of the Organization may agree that the General Assembly will meet in that place.

Article 56

In special circumstances and with the approval of two thirds of the Member States, the Permanent Council shall convoke a special session of the General Assembly.

Article 57

Decisions of the General Assembly shall be adopted by the

affirmative vote of an absolute majority of the Member States, except in those cases that require a two-thirds vote as provided in the Charter or as may be provided by the General Assembly in its rules of procedure.

Article 58

There shall be a Preparatory Committee of the General Assembly, composed of representatives of all the Member States, which shall:

- a) Prepare the draft agenda of each session of the General Assembly;
- b) Review the proposed program-budget and the draft resolution on quotas, and present to the General Assembly a report thereon containing the recommendations it considers appropriate; and
- c) Carry out such other functions as the General Assembly may assign to it.

The draft agenda and the report shall, in due course, be transmitted to the Governments of the Member States.

Chapter XII

THE MEETING OF CONSULTATION OF MINISTERS OF FOREIGN AFFAIRS

Article 59

The Meeting of Consultation of Ministers of Foreign Affairs shall be held in order to consider problems of an urgent nature and of common interest to the American States, and to serve as the Organ of Consultation.

Article 60

Any Member State may request that a Meeting of Consultation be called. The request shall be addressed to the Permanent Council of the Organization, which shall decide by an absolute majority whether a meeting should be held.

Article 61

The agenda and regulations of the Meeting of Consultation shall be prepared by the Permanent Council of the Organization and submitted to the Member States for consideration.

Article 62

If, for exceptional reasons, a Minister of Foreign Affairs is unable to attend the meeting, he shall be represented by a special delegate.

Article 63

In case of an armed attack within the territory of an American State or within the region of security delimited by treaties in force, a Meeting of Consultation shall be held without delay. Such Meeting shall be called immediately by the Chairman of the Permanent Council of the Organization, who shall at the same time call a meeting of the Council itself.

Article 64

An Advisory Defense Committee shall be established to advise the Organ of Consultation on problems of military cooperation that may arise in connection with the application of existing special treaties on collective security.

Article 65

The Advisory Defense Committee shall be composed of the highest military authorities of the American States participating in the Meeting of Consultation. Under exceptional circumstances the Governments may appoint substitutes. Each State shall be entitled to one vote.

Article 66

The Advisory Defense Committee shall be convoked under the same conditions as the Organ of Consultation, when the latter deals with matters relating to defense against aggression.

Article 67

The Committee shall also meet when the General Assembly or the Meeting of Consultation or the Governments, by a two-thirds majority of the Member States, assign to it technical studies or reports on specific subjects.

Chapter XIII

THE COUNCILS OF THE ORGANIZATION

Common Provisions

Article 68

The Permanent Council of the Organization, the Inter-American Economic and Social Council, and the Inter-American Council for Education, Science, and Culture are directly responsible to the General Assembly and each has the authority granted to it in the Charter and other inter-American instruments, as well as the functions assigned to it by the General Assembly and the Meeting of Consultation of Ministers of Foreign Affairs.

Article 69

All Member States have the right to be represented on each of the Councils. Each State has the right to one vote.

Article 70

The Councils may, within the limits of the Charter and other inter-American instruments, make recommendations on matters within their authority.

Article 71

The Councils, on matters within their respective competence, may present to the General Assembly studies and proposals, drafts of international instruments, and proposals on the holding of specialized

conferences, on the creation, modification, or elimination of specialized organizations and other inter-American agencies, as well as on the coordination of their activities. The Councils may also present studies, proposals, and drafts of international instruments to the Specialized Conferences.

Article 72

Each Council may, in urgent cases, convoke Specialized Conferences on matters within its competence, after consulting with the Member States and without having to resort to the procedure provided for in Article 128.

Article 73

The Councils, to the extent of their ability, and with the cooperation of the General Secretariat, shall render to the Governments such specialized services as the latter may request.

Article 74

Each Council has the authority to require the other Councils, as well as the subsidiary organs and agencies responsible to them, to provide it with information and advisory services on matters within their respective spheres of competence. The Councils may also request the same services from the other agencies of the inter-American system.

Article 75

With the prior approval of the General Assembly, the Councils may establish the subsidiary organs and the agencies that they consider advisable for the better performance of their duties. When the General Assembly is not in session, the aforesaid organs or agencies may be established provisionally by the corresponding Council. In constituting the membership of these bodies, the Councils, insofar as possible, shall follow the criteria of rotation and equitable geographic representation.

Article 76

The Councils may hold meetings in any Member State, when they find it advisable and with the prior consent of the Government concerned.

Article 77

Each Council shall prepare its own statutes and submit them to the General Assembly for approval. It shall approve its own rules of procedure and those of its subsidiary organs, agencies, and committees.

Chapter XIV

THE PERMANENT COUNCIL OF THE ORGANIZATION

Article 78

The Permanent Council of the Organization is composed of one representative of each Member State, especially appointed by the respective Government, with the rank of ambassador. Each Government may accredit an acting representative, as well as such alternates and advisers as it considers necessary.

Article 79

The office of Chairman of the Permanent Council shall be held by each of the representatives, in turn, following the alphabetic order in Spanish of the names of their respective countries. The office of Vice Chairman shall be filled in the same way, following reverse alphabetic order.

The Chairman and the Vice Chairman shall hold office for a term of not more than six months, which shall be determined by the statutes.

Article 80

Within the limits of the Charter and of inter-American treaties and agreements, the Permanent Council takes cognizance of any matter referred to it by the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs.

Article 81

The Permanent Council shall serve provisionally as the Organ of

Consultation when the circumstances contemplated in Article 63 of this Charter arise.

Article 82

The Permanent Council shall keep vigilance over the maintenance of friendly relations among the Member States, and for that purpose shall effectively assist them in the peaceful settlement of their disputes, in accordance with the following provisions.

Article 83

To assist the Permanent Council in the exercise of these powers, an Inter-American Committee on Peaceful Settlement shall be established, which shall function as a subsidiary organ of the Council. The statutes of the Committee shall be prepared by the Council and approved by the General Assembly.

Article 84

The parties to a dispute may resort to the Permanent Council to obtain its good offices. In such a case the Council shall have authority to assist the parties and to recommend the procedures it considers suitable for the peaceful settlement of the dispute.

If the parties so wish, the Chairman of the Council shall refer the dispute directly to the Inter-American Committee on Peaceful Settlement.

Article 85

In the exercise of these powers, the Permanent Council, through the Inter-American Committee on Peaceful Settlement or by any other means, may ascertain the facts in the dispute, and may do so in the territory of any of the parties with the consent of the Government concerned.

Article 86

Any party to a dispute in which none of the peaceful procedures set forth in Article 24 of the Charter is being followed may appeal to the Permanent Council to take cognizance of the dispute.

The Council shall immediately refer the request to the Inter-American Committee on Peaceful Settlement, which shall consider whether or not the matter is within its competence and, if it deems it appropriate, shall offer its good offices to the other party or parties. Once these are accepted, the Inter-American Committee on Peaceful Settlement may assist the parties and recommend the procedures that it considers suitable for the peaceful settlement of the dispute.

In the exercise of these powers, the Committee may carry out an investigation of the facts in the dispute, and may do so in the territory of any of the parties with the consent of the Government concerned.

Article 87

If one of the parties should refuse the offer, the Inter-American Committee on Peaceful Settlement shall limit itself to informing the Permanent Council, without prejudice to its taking steps to restore relations between the parties, if they were interrupted, or to reestablish harmony between them.

Article 88

Once such a report is received, the Permanent Council may make suggestions for bringing the parties together for the purpose of Article 87 and, if it considers it necessary, it may urge the parties to avoid any action that might aggravate the dispute.

If one of the parties should continue to refuse the good offices of the Inter-American Committee on Peaceful Settlement or of the Council, the Council shall limit itself to submitting a report to the General Assembly.

Article 89

The Permanent Council, in the exercise of these functions, shall take its decisions by an affirmative vote of two thirds of its members, excluding the parties to the dispute, except for such decisions as the rules of procedure provide shall be adopted by a simple majority.

Article 90

In performing their functions with respect to the peaceful settlement of disputes, the Permanent Council and the Inter-American Committee on Peaceful Settlement shall observe the provisions of the Charter and the principles and standards of international law, as well as take into account the existence of treaties in force between the parties.

Article 91

The Permanent Council shall also:

- a) Carry out those decisions of the General Assembly or of the Meeting of Consultation of Ministers of Foreign Affairs the implementation of which has not been assigned to any other body;
- b) Watch over the observance of the standards governing the operation of the General Secretariat and, when the General Assembly is not in session, adopt provisions of a regulatory nature that enable the General Secretariat to carry out its administrative functions;
- c) Act as the Preparatory Committee of the General Assembly, in accordance with the terms of Article 58 of the Charter, unless the General Assembly should decide otherwise;
- d) Prepare, at the request of the Member States and with the cooperation of the appropriate organs of the Organization, draft agreements to promote and facilitate cooperation between the Organization of American States and the United Nations or between the Organization and other American agencies of recognized international standing. These draft agreements shall be submitted to the General Assembly for approval.
- e) Submit recommendations to the General Assembly with regard to the functioning of the Organization and the coordination of its subsidiary organs, agencies, and committees.
- f) Present to the General Assembly any observations it may have

regarding the reports of the Inter-American Juridical Committee and the Inter-American Commission on Human Rights; and

- g) Perform the other functions assigned to it in the Charter.

Article 92

The Permanent Council and the General Secretariat shall have the same seat.

Chapter XV

THE INTER-AMERICAN ECONOMIC AND SOCIAL COUNCIL

Article 93

The Inter American Economic and Social Council is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

Article 94

The purpose of the Inter American Economic and Social Council is to promote cooperation among the American countries in order to attain accelerated economic and social development, in accordance with the standards set forth in Chapters VII and VIII.

Article 95

To achieve its purpose the Inter American Economic and Social Council shall:

- a) Recommend programs and courses of action and periodically study and evaluate the efforts undertaken by the Member States;
- b) Promote and coordinate all economic and social activities of the Organization;
- c) Coordinate its activities with those of the other Councils of the Organization;

- d) Establish cooperative relations with the corresponding organs of the United Nations and with other national and international agencies, especially with regard to coordination of inter-American technical assistance programs; and
- e) Promote the solution of the cases contemplated in Article 35 of the Charter, establishing the appropriate procedure.

Article 96

The Inter-American Economic and Social Council shall hold at least one meeting each year at the ministerial level. It shall also meet when convoked by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, at its own initiative, or for the cases contemplated in Article 35 of the Charter.

Article 97

The Inter-American Economic and Social Council shall have a Permanent Executive Committee, composed of a Chairman and no less than seven other members, elected by the Council for terms to be established in the statutes of the Council. Each member shall have the right to one vote. The principles of equitable geographic representation and of rotation shall be taken into account, insofar as possible, in the election of members. The Permanent Executive Committee represents all of the Member States of the Organization.

Article 98

The Permanent Executive Committee shall perform the tasks assigned to it by the Inter-American Economic and Social Council, in accordance with the general standards established by the Council.

Chapter XVI

THE INTER-AMERICAN COUNCIL FOR EDUCATION, SCIENCE, AND CULTURE

Article 99

The Inter-American Council for Education, Science, and Culture

is composed of one principal representative, of the highest rank, of each Member State, especially appointed by the respective Government.

Article 100

The purpose of the Inter-American Council for Education, Science, and Culture is to promote friendly relations and mutual understanding between the peoples of the Americas through educational, scientific, and cultural cooperation and exchange between Member States, in order to raise the cultural level of the peoples, reaffirm their dignity as individuals, prepare them fully for the tasks of progress, and strengthen the devotion to peace, democracy, and social justice that has characterized their evolution.

Article 101

To accomplish its purpose the Inter-American Council for Education, Science, and Culture shall:

- a) Promote and coordinate the educational, scientific, and cultural activities of the Organization;
- b) Adopt or recommend pertinent measures to give effect to the standards contained in Chapter IX of the Charter;
- c) Support individual or collective efforts of the Member States to improve and extend education at all levels, giving special attention to efforts directed toward community development;
- d) Recommend and encourage the adoption of special educational programs directed toward integrating all sectors of the population into their respective national cultures;
- e) Stimulate and support scientific and technological education and research, especially when these relate to national development plans;
- f) Foster the exchange of professors, research workers, technicians, and students, as well as of study materials; and encourage the conclusion of bilateral or multilateral agreements on the

- progressive coordination of curricula at all educational levels and on the validity and equivalence of certificates and degrees;
- g) Promote the education of the American peoples with a view to harmonious international relations and a better understanding of the historical and cultural origins of the Americas, in order to stress and preserve their common values and destiny;
 - h) Systematically encourage intellectual and artistic creativity, the exchange of cultural works and folklore, as well as the interrelationships of the different cultural regions of the Americas;
 - i) Foster cooperation and technical assistance for protecting, preserving, and increasing the cultural heritage of the Hemisphere;
 - j) Coordinate its activities with those of the other Councils. In harmony with the Inter-American Economic and Social Council, encourage the interrelationship of programs for promoting education, science, and culture with national development and regional integration programs;
 - k) Establish cooperative relations with the corresponding organs of the United Nations and with other national and international bodies;
 - l) Strengthen the civic conscience of the American peoples, as one of the bases for the effective exercise of democracy and for the observance of the rights and duties of man;
 - m) Recommend appropriate procedures for intensifying integration of the developing countries of the Hemisphere by means of efforts and programs in the fields of education, science, and culture; and
 - n) Study and evaluate periodically the efforts made by the Member States in the fields of education, science, and culture.

Article 102

The Inter-American Council for Education, Science, and Culture shall hold at least one meeting each year at the ministerial level. It shall

also meet when convoked by the General Assembly, by the Meeting of Consultation of Ministers of Foreign Affairs, or at its own initiative.

Article 103

The Inter-American Council for Education, Science, and Culture shall have a Permanent Executive Committee, composed of a Chairman and no less than seven other members, elected by the Council for terms to be established in the statutes of the Council. Each member shall have the right to one vote. The principles of equitable geographic representation and of rotation shall be taken into account, insofar as possible, in the election of members. The Permanent Executive Committee represents all of the Member States of the Organization.

Article 104

The Permanent Executive Committee shall perform the tasks assigned to it by the Inter-American Council for Education, Science, and Culture, in accordance with the general standards established by the Council.

Chapter XVII

THE INTER-AMERICAN JURIDICAL COMMITTEE

Article 105

The purpose of the Inter-American Juridical Committee is to serve the Organization as an advisory body on juridical matters; to promote the progressive development and the codification of international law; and to study juridical problems related to the integration of the developing countries of the Hemisphere and, insofar as may appear desirable, the possibility of attaining uniformity in their legislation.

Article 106

The Inter-American Juridical Committee shall undertake the studies and preparatory work assigned to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils of the Organization. It may also, on its own initiative,

undertake such studies and preparatory work as it considers advisable, and suggest the holding of specialized juridical conferences.

Article 107

The Inter-American Juridical Committee shall be composed of eleven jurists, nationals of Member States, elected by the General Assembly for a period of four years from panels of three candidates presented by Member States. In the election, a system shall be used that takes into account partial replacement of membership and, insofar as possible, equitable geographic representation. No two members of the Committee may be nationals of the same State. Vacancies that occur shall be filled in the manner set forth above.

Article 108

The Inter-American Juridical Committee represents all of the Member States of the Organization, and has the broadest possible technical autonomy.

Article 109

The Inter-American Juridical Committee shall establish cooperative relations with universities, institutes, and other teaching centers, as well as with national and international committees and entities devoted to study, research, teaching, or dissemination of information on juridical matters of international interest.

Article 110

The Inter-American Juridical Committee shall draft its statutes, which shall be submitted to the General Assembly for approval.

The Committee shall adopt its own rules of procedure.

Article 111

The seat of the Inter-American Juridical Committee shall be the city of Rio de Janeiro, but in special cases the Committee may meet at any other place that may be designated, after consultation with the Member State concerned.

Chapter XVIII -

THE INTER-AMERICAN COMMISSION
ON HUMAN RIGHTS

Article 112

There shall be an Inter-American Commission on Human Rights, whose principal function shall be to promote the observance and protection of human rights and to serve as a consultative organ of the Organization in these matters.

An inter-American convention on human rights shall determine the structure, competence, and procedure of this Commission, as well as those of other organs responsible for these matters.

Chapter XIX

THE GENERAL SECRETARIAT

Article 113

The General Secretariat is the central and permanent organ of the Organization of American States. It shall perform the functions assigned to it in the Charter, in other inter-American treaties and agreements, and by the General Assembly, and shall carry out the duties entrusted to it by the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, or the Councils.

Article 114

The Secretary General of the Organization shall be elected by the General Assembly for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality. In the event that the office of Secretary General becomes vacant, the Assistant Secretary General shall assume his duties until the General Assembly shall elect a new Secretary General for a full term.

Article 115

The Secretary General shall direct the General Secretariat, be the

legal representative thereof, and, notwithstanding the provisions of Article 91.b, be responsible to the General Assembly for the proper fulfillment of the obligations and functions of the General Secretariat.

Article 116

The Secretary General, or his representative, participates with voice but without vote in all meetings of the Organization.

Article 117

The General Secretariat shall promote economic, social, juridical, educational, scientific, and cultural relations among all the Member States of the Organization, in keeping with the actions and policies decided upon by the General Assembly and with the pertinent decisions of the Councils.

Article 118

The General Secretariat shall also perform the following functions:

- a) Transmit ex officio to the Member States notice of the convocation of the General Assembly, the Meeting of Consultation of Ministers of Foreign Affairs, the Inter-American Economic and Social Council, the Inter-American Council for Education, Science, and Culture, and the Specialized Conferences;
- b) Advise the other organs, when appropriate, in the preparation of agenda and rules of procedure;
- c) Prepare the proposed program-budget of the Organization on the basis of programs adopted by the Councils, agencies, and entities whose expenses should be included in the program-budget and, after consultation with the Councils or their permanent committees, submit it to the Preparatory Committee of the General Assembly and then to the Assembly itself;
- d) Provide, on a permanent basis, adequate secretariat services for the General Assembly and the other organs, and carry out their

directives and assignments. To the extent of its ability, provide services for the other meetings of the Organization;

- e) Serve as custodian of the documents and archives of the Inter-American Conferences, the General Assembly, the Meetings of Consultation of Ministers of Foreign Affairs, the Councils, and the Specialized Conferences;
- f) Serve as depository of inter-American treaties and agreements, as well as of the instruments of ratification thereof;
- g) Submit to the General Assembly at each regular session an annual report on the activities of the Organization and its financial condition; and
- h) Establish relations of cooperation, in accordance with decisions reached by the General Assembly or the Councils, with the Specialized Organizations as well as other national and international organizations.

Article 119

The Secretary General shall:

- a) Establish such offices of the General Secretariat as are necessary to accomplish its purposes; and
- b) Determine the number of officers and employees of the General Secretariat, appoint them, regulate their powers and duties, and fix their remuneration.

The Secretary General shall exercise this authority in accordance with such general standards and budgetary provisions as may be established by the General Assembly.

Article 120

The Assistant Secretary General shall be elected by the General Assembly for a five-year term and may not be reelected more than once or succeeded by a person of the same nationality. In the event that the office of Assistant Secretary General becomes vacant, the Permanent

Council shall elect a substitute to hold that office until the General Assembly shall elect a new Assistant Secretary General for a full term.

Article 121

The Assistant Secretary General shall be the Secretary of the Permanent Council. He shall serve as advisory officer to the Secretary General and shall act as his delegate in all matters that the Secretary General may entrust to him. During the temporary absence or disability of the Secretary General, the Assistant Secretary General shall perform his functions.

The Secretary General and the Assistant Secretary General shall be of different nationalities.

Article 122

The General Assembly, by a two-thirds vote of the Member States, may remove the Secretary General or the Assistant Secretary General, or both, whenever the proper functioning of the Organization so demands.

Article 123

The Secretary General shall appoint, with the approval of the respective Council, the Executive Secretary for Economic and Social Affairs and the Executive Secretary for Education, Science, and Culture, who shall also be the secretaries of the respective Councils.

Article 124

In the performance of their duties, the Secretary General and the personnel of the Secretariat shall not seek or receive instructions from any Government or from any authority outside the Organization, and shall refrain from any action that may be incompatible with their position as international officers responsible only to the Organization.

Article 125

The Member States pledge themselves to respect the exclusively international character of the responsibilities of the Secretary General

and the personnel of the General Secretariat, and not to seek to influence them in the discharge of their duties.

Article 126

In selecting the personnel of the General Secretariat, first consideration shall be given to efficiency, competence, and integrity; but at the same time, in the recruitment of personnel of all ranks, importance shall be given to the necessity of obtaining as wide a geographic representation as possible.

Article 127

The seat of the General Secretariat is the city of Washington.

Chapter XX

THE SPECIALIZED CONFERENCES

Article 128

The Specialized Conferences are intergovernmental meetings to deal with special technical matters or to develop specific aspects of inter-American cooperation. They shall be held when either the General Assembly or the Meeting of Consultation of Ministers of Foreign Affairs so decides, on its own initiative or at the request of one of the Councils or Specialized Organizations.

Article 129

The agenda and rules of procedure of the Specialized Conferences shall be prepared by the Councils or Specialized Organizations concerned and shall be submitted to the Governments of the Member States for consideration.

Chapter XXI

THE SPECIALIZED ORGANIZATIONS

Article 130

For the purposes of the present Charter, Inter-American Specialized Organizations are the intergovernmental organizations established by multilateral agreements and having specific functions with respect to technical matters of common interest to the American States.

Article 131

The General Secretariat shall maintain a register of the organizations that fulfill the conditions set forth in the foregoing Article, as determined by the General Assembly after a report from the Council concerned.

Article 132

The Specialized Organizations shall enjoy the fullest technical autonomy, but they shall take into account the recommendations of the General Assembly and of the Councils, in accordance with the provisions of the Charter.

Article 133

The Specialized Organizations shall transmit to the General Assembly annual reports on the progress of their work and on their annual budgets and expenses.

Article 134

Relations that should exist between the Specialized Organizations and the Organization shall be defined by means of agreements concluded between each organization and the Secretary General, with the authorization of the General Assembly.

Article 135

The Specialized Organizations shall establish cooperative relations with world agencies of the same character in order to coordinate their activities. In concluding agreements with international agencies of a worldwide character, the Inter-American Specialized Organizations shall preserve their identity and their status as integral parts of the Organization of American States, even when they perform regional functions of international agencies.

Article 136

In determining the location of the Specialized Organizations consideration shall be given to the interest of all the Member States and to the desirability of selecting the seats of these organizations on the basis of a geographic representation as equitable as possible.

PART THREE

Chapter XXII

THE UNITED NATIONS

Article 137

None of the provisions of this Charter shall be construed as impairing the rights and obligations of the Member States under the Charter of the United Nations.

Chapter XXIII

MISCELLANEOUS PROVISIONS

Article 138

Attendance at meetings of the permanent organs of the Organization of American States or at the conferences and meetings provided for in the Charter, or held under the auspices of the Organization, shall be in accordance with the multilateral character of

the aforesaid organs, conferences, and meetings and shall not depend on the bilateral relations between the Government of any Member State and the Government of the host country.

Article 139

The Organization of American States shall enjoy in the territory of each Member such legal capacity, privileges, and immunities as are necessary for the exercise of its functions and the accomplishment of its purposes.

Article 140

The representatives of the Member States on the organs of the Organization, the personnel of their delegations, as well as the Secretary General and the Assistant Secretary General shall enjoy the privileges and immunities corresponding to their positions and necessary for the independent performance of their duties.

Article 141

The juridical status of the Specialized Organizations and the privileges and immunities that should be granted to them and to their personnel, as well as to the officials of the General Secretariat, shall be determined in a multilateral agreement. The foregoing shall not preclude, when it is considered necessary, the concluding of bilateral agreements.

Article 142

Correspondence of the Organization of American States, including printed matter and parcels, bearing the frank thereof, shall be carried free of charge in the mails of the Member States.

Article 143

The Organization of American States does not allow any restriction based on race, creed, or sex, with respect to eligibility to participate in the activities of the Organization and to hold positions therein.

Chapter XXIV

RATIFICATION AND ENTRY INTO FORCE

Article 144

The present Charter shall remain open for signature by the American States and shall be ratified in accordance with their respective constitutional procedures. The original instrument, the Spanish, English, Portuguese, and French texts of which are equally authentic, shall be deposited with the General Secretariat, which shall transmit certified copies thereof to the Governments for purposes of ratification. The instruments of ratification shall be deposited with the General Secretariat, which shall notify the signatory States of such deposit.

Article 145

The present Charter shall enter into force among the ratifying States when two thirds of the signatory States have deposited their ratifications. It shall enter into force with respect to the remaining States in the order in which they deposit their ratifications.

Article 146

The present Charter shall be registered with the Secretariat of the United Nations through the General Secretariat.

Article 147

Amendments to the present Charter may be adopted only at a General Assembly convened for that purpose. Amendments shall enter into force in accordance with the terms and the procedure set forth in Article 145.

Article 148

The present Charter shall remain in force indefinitely, but may be denounced by any Member State upon written notification to the General Secretariat, which shall communicate to all the others each notice of denunciation received. After two years from the date on

which the General Secretariat receives a notice of denunciation, the present Charter shall cease to be in force with respect to the denouncing State, which shall cease to belong to the Organization after it has fulfilled the obligations arising from the present Charter.

Chapter XXV

TRANSITORY PROVISIONS

Article 149

The Inter-American Committee on the Alliance for Progress shall act as the permanent executive committee of the Inter-American Economic and Social Council as long as the Alliance is in operation.

Article 150

Until the inter-American convention on human rights, referred to in Chapter XVIII, enters into force, the present Inter-American Commission on Human Rights shall keep vigilance over the observance of human rights.

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RESERVATIONS MADE AT THE TIME OF RATIFYING
THE CHARTER OF 1948

GUATEMALA

None of the stipulations of the present Charter of the Organization of American States may be considered as an impediment to Guatemala's assertion of its rights over the territory of Belize by such means as at anytime it may deem advisable.^{1/}

PERU

With the reservation that the principles of inter-American solidarity and cooperation and essentially those set forth in the preamble and declarations of the Act of Chapultepec constitute standards for the mutual relations between the American States and juridical bases of the inter-American system.

UNITED STATES

That the Senate give its advice and consent to ratification of the Charter with the reservation that none of its provisions shall be considered as enlarging the powers of the Federal Government of the United States or limiting the powers of the several states of the Federal Union with respect to any matters recognized under the Constitution as being within the reserved powers of the several states.

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1. *With respect to this reservation, the General Secretariat consulted the signatory governments, in accordance with the procedure established by paragraph 2 of Resolution XXIX of the Eighth International Conference of American States, to ascertain whether they found it acceptable or not. At the request of the Government of Guatemala, this consultation was accompanied by a formal declaration of that Government to the effect that its reservation did not imply any alteration in the Charter of the Organization of American States, and that Guatemala is ready to act at all times within the bounds of international agreements to which it is a party. In view of this declaration, the States that previously did not find the reservation acceptable expressed their acceptance.*

**DECLARATIONS MADE AT THE TIME
OF SIGNING THE PROTOCOL**

ECUADOR

The Delegation of Ecuador, drawing its inspiration from the devotion of the people and the Government of Ecuador to peace and law, states for the record that the provisions approved with respect to peaceful settlement of disputes do not carry out the purpose of Resolution XIII of the Second Special Inter-American Conference, and that the Permanent Council has not been given sufficient powers to aid the Member States effectively in the peaceful settlement of their disputes.

The Delegation of Ecuador signs this Protocol of Amendment to the Charter of the Organization of American States in the understanding that none of its provisions in any way limits the right of the Member States to take their disputes, whatever their nature and the subject they deal with, to the Organization, so that it may assist the parties and recommend the suitable procedures for peaceful settlement thereof.

PANAMA

The Delegation of Panama, upon signing the Protocol of Amendment to the Charter of the Organization of American States, states that it does so in the understanding that none of its provisions limits or in any way impedes the right of Panama to bring before the Organization any conflict or dispute that may have arisen with another Member State to which a just solution has not been given within a reasonable period after applying, without positive results, any of the procedures for peaceful settlement set forth in Article 21 of the present Charter.

ARGENTINA

On signing the present Protocol, the Argentine Republic reiterates its firm conviction that the amendments introduced in the Charter of the OAS do not duly cover the requirements of the Organization, inasmuch as its basic instrument should contain, in addition to the organic economic, social, and cultural standards, the essential provisions that would make the security system of the Hemisphere effective.

**CHARTER OF THE
ORGANIZATION OF AMERICAN STATES**

Signed at Bogota, April 30, 1948, at the
Ninth International Conference of American States

| SIGNATORY COUNTRIES | DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION |
|----------------------------------|--|
| Argentina | April 10, 1956 |
| Barbados ¹ | November 15, 1967 |
| Bolivia | October 18, 1950 |
| Brazil | March 13, 1950 |
| Chile | June 5, 1953 |
| Colombia | December 13, 1951 |
| Costa Rica | November 16, 1948 |
| Cuba | July 16, 1952 |
| Dominican Republic | April 22, 1949 |
| Ecuador | December 28, 1950 |
| El Salvador | September 11, 1950 |
| Guatemala | April 6, 1955 ² |
| Haiti | March 28, 1951 |
| Honduras | February 7, 1950 |
| Jamaica ¹ | August 20, 1969 |
| Mexico | November 23, 1948 |
| Nicaragua | July 26, 1950 |
| Panama | March 22, 1951 |
| Paraguay | May 3, 1950 |
| Peru | February 12, 1954 ² |
| Trinidad and Tobago ¹ | March 17, 1967 |
| United States | June 19, 1951 ² |
| Uruguay | September 1, 1955 |
| Venezuela | December 29, 1951 |

1. Barbados, Jamaica, and Trinidad and Tobago signed at the General Secretariat on October 9, 1967, June 27, 1969, and March 13, 1967, respectively.

2. With a reservation.

The Charter entered into effect December 13, 1951, when the 14th ratification was deposited by Colombia. It was registered with the General Secretariat of the United Nations on January 16, 1952.

**PROTOCOL OF AMENDMENT TO THE CHARTER OF THE
ORGANIZATION OF AMERICAN STATES
"PROTOCOL OF BUENOS AIRES"**

Signed at Buenos Aires, February 27, 1967, at the
Third Special Inter-American Conference

| SIGNATORY COUNTRIES | DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION |
|----------------------------------|--|
| Argentina | July 21, 1967 |
| Barbados ¹ | March 16, 1970 |
| Bolivia | February 27, 1970 |
| Brazil | December 11, 1968 |
| Chile | April 15, 1971 |
| Colombia | February 27, 1970 |
| Costa Rica | June 5, 1968 |
| Dominican Republic | July 26, 1968 |
| Ecuador | September 30, 1970 |
| El Salvador | July 11, 1968 |
| Guatemala | January 26, 1968 |
| Haiti | June 19, 1970 |
| Honduras | February 27, 1970 |
| Jamaica ¹ | February 27, 1970 |
| Mexico | April 22, 1968 |
| Nicaragua | September 23, 1968 |
| Panama | April 29, 1969 |
| Paraguay | January 23, 1968 |
| Peru | February 27, 1970 |
| Trinidad and Tobago ¹ | May 20, 1968 |
| United States | April 26, 1968 |
| Uruguay | |
| Venezuela | October 10, 1968 |

1. Barbados, Jamaica, and Trinidad and Tobago signed at the General Secretariat on March 16, 1970, February 27, 1970, and May 20, 1968, respectively.

This Protocol entered into force on February 27, 1970, in accordance with Article XXVI, which provides as follows: "The present Protocol shall enter into force among the ratifying States when two thirds of the States signatory to the Charter have deposited their instruments of ratification. It shall enter into force with respect to the remaining States in the order in which they deposit their instruments of ratification." The amended Charter of the OAS consequently became effective on the same date.

INTER-AMERICAN TREATY OF RECIPROCAL ASSISTANCE

In the name of their Peoples, the Governments represented at the Inter-American Conference for the Maintenance of Continental Peace and Security, desirous of consolidating and strengthening their relations of friendship and good neighborliness, and

CONSIDERING: That Resolution VIII of the Inter-American Conference on Problems of War and Peace, which met in Mexico City, recommended the conclusion of a treaty to prevent and repel threats and acts of aggression against any of the countries of America;

That the High Contracting Parties reiterate their will to remain united in an inter-American system consistent with the purposes and principles of the United Nations, and reaffirm the existence of the agreement which they have concluded concerning those matters relating to the maintenance of international peace and security which are appropriate for regional action;

That the High Contracting Parties reaffirm their adherence to the principles of inter-American solidarity and cooperation, and especially to those set forth in the preamble and declarations of the Act of Chapultepec, all of which should be understood to be accepted as standards of their mutual relations and as the juridical basis of the Inter-American System;

That the American States propose, in order to improve the procedures for the pacific settlement of their controversies, to conclude the treaty concerning the "Inter-American Peace System" envisaged in Resolution IX and XXXIX of the Inter-American Conference on Problems of War and Peace;

That the obligation of mutual assistance and common defense of the American Republics is essentially related to their democratic ideals and to their will to cooperate permanently in the fulfillment of the principles and purposes of a policy of peace;

That the American regional community affirms as a manifest truth that juridical organization is a necessary prerequisite of security and peace, and that peace is founded on justice and moral order and, consequently, on the international recognition and protection of human rights and freedoms, on the indispensable well-being of the people, and on the effectiveness of democracy for the international realization of justice and security,

Have resolved, in conformity with the objectives stated above, to conclude the following Treaty, in order to assure peace, through

adequate means, to provide for effective reciprocal assistance to meet armed attacks against any American State, and in order to deal with threats of aggression against any of them:

Article 1

The High Contracting Parties formally condemn war and undertake in their international relations not to resort to the threat or the use of force in any manner inconsistent with the provisions of the Charter of the United Nations or of this Treaty.

Article 2

As a consequence of the principle set forth in the preceding Article, the High Contracting Parties undertake to submit every controversy which may arise between them to methods of peaceful settlement and to endeavor to settle any such controversy among themselves by means of the procedures in force in the Inter-American System before referring it to the General Assembly or the Security Council of the United Nations.

Article 3

1. The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States and, consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations.

2. On the request of the State or States directly attacked and until the decision of the Organ of Consultation of the Inter-American System, each one of the Contracting Parties may determine the immediate measures which it may individually take in fulfillment of the obligation contained in the preceding paragraph and in accordance with the principle of continental solidarity. The Organ of Consultation shall meet without delay for the purpose of examining those measures and agreeing upon the measures of a collective character that should be taken.

3. The provisions of this Article shall be applied in case of any armed attack which takes place within the region described in Article 4 or within the territory of an American State. When the attack takes

place outside of the said areas, the provisions of Article 6 shall be applied.

4. Measures of self-defense provided for under this Article may be taken until the Security Council of the United Nations has taken the measures necessary to maintain international peace and security.

Article 4

The region to which this Treaty refers is bounded as follows: beginning at the North Pole; thence due south to a point 74 degrees north latitude, 10 degrees west longitude; thence by a rhumb line to a point 47 degrees 30 minutes north latitude, 50 degrees west longitude; thence by a rhumb line to a point 35 degrees north latitude, 60 degrees west longitude; thence due south to a point in 20 degrees north latitude; thence by a rhumb line to a point 5 degrees north latitude, 24 degrees west longitude; thence due south to the South Pole; thence due north to a point 30 degrees south latitude, 90 degrees west longitude; thence by a rhumb line to a point on the Equator at 97 degrees west longitude; thence by a rhumb line to a point 15 degrees north latitude, 120 degrees west longitude; thence by a rhumb line to a point 50 degrees north latitude, 170 degrees east longitude; thence due north to a point in 54 degrees north latitude; thence by a rhumb line to a point 65 degrees 30 minutes north latitude, 168 degrees 58 minutes 5 seconds west longitude; thence due north to the North Pole.

Article 5

The High Contracting Parties shall immediately send to the Security Council of the United Nations, in conformity with Articles 51 and 54 of the Charter of the United Nations, complete information concerning the activities undertaken or in contemplation in the exercise of the right of self-defense or for the purpose of maintaining inter-American peace and security.

Article 6

If the inviolability or the integrity of the territory or the sovereignty or political independence of any American State should be affected by an aggression which is not an armed attack or by an extra-continental or intra-continental conflict, or by any other fact or

situation that might endanger the peace of America, the Organ of Consultation shall meet immediately in order to agree on the measures which must be taken in case of aggression to assist the victim of the aggression or, in any case, the measures which should be taken for the common defense and for the maintenance of the peace and security of the Continent.

Article 7

In the case of a conflict between two or more American States, without prejudice to the right of self-defense in conformity with Article 51 of the Charter of the United Nations, the High Contracting Parties, meeting in consultation shall call upon the contending States to suspend hostilities and restore matters to the *statu quo ante bellum*, and shall take in addition all other necessary measures to reestablish or maintain inter-American peace and security and for the solution of the conflict by peaceful means. The rejection of the pacifying action will be considered in the determination of the aggressor and in the application of the measures which the consultative meeting may agree upon.

Article 8

For the purposes of this Treaty, the measures on which the Organ of Consultation may agree will comprise one or more of the following: recall of chiefs of diplomatic missions; breaking of diplomatic relations; breaking of consular relations; partial or complete interruption of economic relations or of rail, sea, air, postal, telegraphic, telephonic, and radiotelephonic or radiotelegraphic communications; and use of armed force.

Article 9

In addition to other acts which the Organ of Consultation may characterize as aggression, the following shall be considered as such:

- a. Unprovoked armed attack by a State against the territory, the people, or the land, sea or air forces of another State;
- b. Invasion, by the armed forces of a State, of the territory of an American State, through the trespassing of boundaries demarcated in accordance with a treaty, judicial decision, or arbitral award, or, in the absence of frontiers thus demarcated,

invasion affecting a region which is under the effective jurisdiction of another State.

Article 10

None of the provisions of this Treaty shall be construed as impairing the rights and obligations of the High Contracting Parties under the Charter of the United Nations.

Article 11

The consultations to which this Treaty refers shall be carried out by means of the Meetings of Ministers of Foreign Affairs of the American Republics which have ratified the Treaty, or in the manner or by the organ which in the future may be agreed upon.

Article 12

The Governing Board of the Pan American Union* may act provisionally as an organ of consultation until the meeting of the Organ of Consultation referred to in the preceding Article takes place.

Article 13

The consultations shall be initiated at the request addressed to the Governing Board of the Pan American Union by any of the Signatory States which has ratified the Treaty.

Article 14

In the voting referred to in this Treaty only the representatives of the Signatory States which have ratified the Treaty may take part.

Article 15

The Governing Board of the Pan American Union shall act in all matters concerning this Treaty as an organ of liaison among the Signatory States which have ratified this Treaty and between these States and the United Nations.

**The functions conferred upon the former Governing Board of the Pan American Union by this Treaty are at present performed by the Permanent Council of the Organization of American States.*

Article 16

The decisions of the Governing Board of the Pan American Union referred to in Articles 13 and 15 above shall be taken by an absolute majority of the Members entitled to vote.

Article 17

The Organ of Consultation shall take its decisions by a vote of two thirds of the Signatory States which have ratified the Treaty.

Article 18

In the case of a situation or dispute between American States, the parties directly interested shall be excluded from the voting referred to in the two preceding Articles.

Article 19

To constitute a quorum in all the meetings referred to in the previous Articles, it shall be necessary that the number of States represented shall be at least equal to the number of votes necessary for the taking of the decision.

Article 20

Decisions which require the application of the measures specified in Article 8 shall be binding upon all the Signatory States which have ratified this Treaty, with the sole exception that no State shall be required to use armed force without its consent.

Article 21

The measures agreed upon by the Organ of Consultation shall be executed through the procedures and agencies now existing or those which may in the future be established.

Article 22

This Treaty shall come into effect between the States which

ratify it as soon as the ratifications of two thirds of the Signatory States have been deposited.

Article 23

This Treaty is open for signature by the American States at the city of Rio de Janeiro, and shall be ratified by the Signatory States as soon as possible in accordance with their respective constitutional processes. The ratifications shall be deposited with the Pan American Union, which shall notify the Signatory States of each deposit. Such notification shall be considered as an exchange of ratifications.

Article 24

The present Treaty shall be registered with the Secretariat of the United Nations through the Pan American Union, when two thirds of the Signatory States have deposited their ratifications.

Article 25

This Treaty shall remain in force indefinitely, but may be denounced by any High Contracting Party by a notification in writing to the Pan American Union, which shall inform all the other High Contracting Parties of each notification of denunciation received. After the expiration of two years from the date of the receipt by the Pan American Union of a notification of denunciation by any High Contracting Party, the present Treaty shall cease to be in force with respect to such State, but shall remain in full force and effect with respect to all the other High Contracting Parties.

Article 26

The principles and fundamental provisions of this Treaty shall be incorporated in the Organic Pact of the Inter-American System.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Treaty on behalf of their respective Governments, on the dates appearing opposite their signatures.

Done in the city of Rio de Janeiro, in four texts respectively in the English, French, Portuguese and Spanish languages, on the second of September nineteen hundred forty-seven.

[Here follow the signatures of the Plenipotentiaries.]

RESERVATIONS MADE AT THE TIME OF SIGNING

Honduras

The Delegation of Honduras, in signing the present Treaty and in connection with Article 9, section (b), does so with the reservation that the boundary between Honduras and Nicaragua is definitively demarcated by the Joint Boundary Commission of nineteen hundred and nineteen hundred and one, starting from a point in the Gulf of Fonseca, in the Pacific Ocean, to Portillo de Teotecacinte and, from this point to the Atlantic, by the line that His Majesty the King of Spain's arbitral award established on the twenty-third of December of nineteen hundred and six.

Nicaragua

The Delegate of Nicaragua, in signing the present Treaty, and with respect to the reservation made by the Delegation of Honduras on signing it and to the provisions of Article 9 (b), does so with the reservation that the boundary between Nicaragua and Honduras from the point known by the name of Portillo de Teotecacinte to the Atlantic Ocean has not been definitively drawn, by virtue of the fact that the royal Award rendered by His Majesty the King of Spain on December twenty-third, nineteen hundred six, has been impugned and protested by Nicaragua as nonexistent, null, and void. Consequently, the signing of this Treaty by Nicaragua may not be alleged as acceptance of arbitral awards that Nicaragua has impugned or whose validity is not definite.

STATEMENT MADE ON SIGNING THE TREATY

Ecuador

The Republic of Ecuador signs the present Inter-American Treaty of Reciprocal Assistance without reservations, because it understands that other instruments and the principles of international law do not bar the revision of treaties, either by agreement between the Parties or by the other pacific means consecrated by international law itself.

RESERVATIONS MADE AT THE
TIME OF RATIFYING

Guatemala

The present Treaty poses no impediment whatever to Guatemala's assertion of its rights over the Guatemalan territory of Belize by whatever means it considers most appropriate; a Treaty that may at any time be invoked by the Republic with respect to the aforesaid territory.¹

Honduras

With the reservation made at the time of signing.

Nicaragua

With the reservation made at the time of signing.

Ecuador

With the statement made on signing the Treaty.

¹ *With respect to this reservation, the Pan American Union consulted the signatory governments, in accordance with the procedure established by paragraph 2 of Resolution XXIX of the Eighth International Conference of American States, to ascertain whether they found it acceptable or not. A number of replies being unfavorable, a second consultation was made accompanied, at the request of the Government of Guatemala, by a formal declaration of that Government to the effect that its reservation did not imply any alteration in the Inter-American Treaty of Reciprocal Assistance, and that Guatemala was ready to act at all times within the bounds of international agreements to which it was a party. In view of this declaration, the States that previously had not found the reservation acceptable now expressed their acceptance.*

**INTER-AMERICAN TREATY OF RECIPROCAL
ASSISTANCE**

Signed at the Inter-American Conference for the
Maintenance of Continental Peace and Security, held
in Rio de Janeiro from August 15 to September 2, 1947

| SIGNATORY COUNTRIES | DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION |
|----------------------------------|--|
| Argentina | August 21, 1950 |
| Bolivia | September 26, 1950 |
| Brazil | March 25, 1948 |
| Chile | February 9, 1949 |
| Colombia | February 3, 1948 |
| Costa Rica | December 3, 1948 |
| Cuba | December 9, 1948 |
| Dominican Republic | November 21, 1947 |
| Ecuador ¹ | November 7, 1950 |
| El Salvador | March 15, 1948 |
| Guatemala | April 6, 1955 ² |
| Haiti | March 25, 1948 |
| Honduras ² | February 5, 1948 ² |
| Mexico | November 23, 1948 |
| Nicaragua ^{2,3} | November 12, 1948 ² |
| Panama | January 12, 1948 |
| Paraguay | July 28, 1948 |
| Peru | October 25, 1950 |
| Trinidad and Tobago ⁴ | June 12, 1967 |
| United States | December 30, 1947 |
| Uruguay | September 28, 1948 |
| Venezuela | October 4, 1948 |

1. Signed on November 10, 1949.

2. With reservations.

3. Signed on October 15, 1948.

4. Signed on April 6, 1967.

SERIE SOBRE TRATADOS No. 26

OEA DOCUMENTOS OFICIALES OEA/Ser. A/58a (SEPF)

**Declaración sobre la Personalidad Jurídica
de las Compañías Extranjeras**

Abierta a la firma en la Unión Panamericana el 25 de junio de 1936

**Declaration on the Juridical Personality
of Foreign Companies**

Opened for signature at the Pan American Union on June 25, 1936

**Declaração sôbre a Personalidade Jurídica
das Companhias Estrangeiras**

Aberta à assinatura na União Pan-Americana em 25 de junho de 1936

**Déclaration sur la Personnalité Juridique
des Sociétés Etrangères**

Ouverte à la signature à l'Union Panaméricaine le 25 juin 1936

UNION PANAMERICANA

Secretaría General, Organización de los Estados Americanos

Washington, D.C., 1962

Esta serie se publica bajo la dirección de la División Jurídica General,
Departamento de Asuntos Jurídicos, Unión Panamericana, Washington, D. C.

DECLARACION SOBRE LA PERSONALIDAD JURIDICA DE LAS COMPAÑIAS EXTRANJERAS

Abierta a la firma en la Unión Panamericana
el 25 de junio de 1936

La Séptima Conferencia Internacional Americana aprobó la siguiente Resolución (Número XLVIII):

"La Séptima Conferencia Internacional Americana, resuelve:

1. Que el Consejo Directivo de la Unión Panamericana designe una Comisión de Expertos formada por cinco miembros para que redacte un anteproyecto de unificación de legislaciones sobre simplificación y uniformidad de poderes y personería jurídica de compañías extranjeras, si tal unificación es posible; y en caso contrario, para que aconseje el procedimiento más adecuado para reducir al mínimo posible los sistemas a que responden las distintas legislaciones sobre estas materias, así como también las reservas de que se hace uso en las convenciones al respecto.

2. El informe será expedido en el año 1934 y remitido al Consejo Directivo para que éste lo someta a la consideración de todos los Gobiernos de la Unión Panamericana a los efectos preindicados."

En cumplimiento de la preinserta Resolución, el Consejo Directivo nombró en su sesión del 7 de noviembre de 1934 la Comisión de Expertos compuesta por los señores Ministros de Venezuela, Panamá y Haití, y los señores don David E. Grant y Dr. E. Gil Borges, la cual sometió al Consejo Directivo en su sesión del 5 de diciembre de 1934 un informe sobre la personalidad jurídica de las Compañías extranjeras en los países de América. Como conclusión de su informe, la Comisión hizo la siguiente recomendación:

"Las sociedades constituídas según las leyes de uno de los Estados Contratantes con sede en su territorio, que no tengan asiento, sucursal o representación social en otro de los Estados Contratantes, podrán, sin embargo, practicar en el territorio de éstos actos de comercio que no sean contrarios a sus leyes y comparecer en juicio como mandantes o como demandadas, con sujeción a las leyes del país."

Los suscritos, debidamente autorizados por sus respectivos Gobiernos, declaran que los principios formulados por la Comisión en la conclusión del informe arriba inserta, están en armonía con la doctrina establecida en la legislación de sus respectivos países.

El presente protocolo, en español, portugués, inglés y francés, con la fecha de hoy, será depositado en la Unión Panamericana y quedará abierto a la firma de los países que deseen hacer análoga declaración.

Los representantes de los Estados que deseen adherir con algunas modificaciones a los principios enunciados en esta declaración podrán insertar antes de su firma la fórmula que ellos deseen suscribir.

EN FE DE LO CUAL, los infrascritos Representantes firman y sellan este Protocolo en nombre de sus respectivos Gobiernos en las fechas indicadas junto a sus firmas.

RESERVAS HECHAS AL MOMENTO DE LA FIRMA

CHILE

Al firmar el presente Protocolo el Representante de Chile formula de la siguiente manera el principio de la preinserta Declaración sobre la Personalidad Jurídica de las Compañías Extranjeras:

Las sociedades mercantiles constituídas según las leyes de uno de los Estados signatarios con sede en su territorio, que no tengan asiento, sucursal o representación social en otro de los Estados signatarios, podrán, sin embargo, comparecer en juicio en el territorio de éstos como demandantes o como demandadas, con sujeción a las leyes del país, y ejecutar actos civiles y de comercio que no sean contrarios a sus leyes, salvo que para la realización continuada de dichos actos, de suerte que ellos importen un ejercicio del objeto social, requiera la sociedad mercantil autorización especial de autoridad competente según las leyes del país donde tales actos hubieran de realizarse.

ESTADOS UNIDOS DE AMERICA

El Secretario de Estado de los Estados Unidos de América firma la presente Declaración sobre la Personalidad Jurídica de las Compañías Extranjeras, con los siguientes entendimientos:

"1. Se entiende que a las compañías descritas en la Declaración se les permitirá demandar o defender juicios de cualquier naturaleza, sin el requisito de registro o nacionalización.

"2. Se entiende además que el Gobierno de los Estados Unidos de América puede terminar las obligaciones provenientes de esta Declaración, en cualquier momento, previo aviso de un año."

REPUBLICA DOMINICANA

Al firmar el presente Protocolo, el Representante de la República Dominicana formula de la siguiente manera el principio de la preinserta Declaración:

Las sociedades constituídas según las leyes de uno de los Estados Contratantes con sede en su territorio, que no tengan asiento, sucursal o representación social en otro de los Estados Contratantes, podrán, sin embargo, practicar en el territorio de estos Estados actos de la vida jurídica que no sean contrarios a sus leyes y comparecer en juicio como demandantes o como demandados, con sujeción a las leyes del país.

* * *

| <u>PAISES SIGNATARIOS</u> | <u>FECHA DE LA FIRMA</u> | <u>FECHA DE DEPOSITO DEL INSTRUMENTO DE RATIFICACION</u> |
|---|------------------------------|--|
| Chile ¹ | Junio 25, 1936 | |
| Ecuador | Julio 22, 1936 | |
| El Salvador | Julio 22, 1936 | |
| Estados Unidos de América ¹ | Junio 23, 1939 | Julio 10, 1941 ¹ |
| Nicaragua | Julio 22, 1936 | |
| Perú | Julio 22, 1936 | |
| República Dominicana ¹ | Noviembre 7, 1939 | |
| Venezuela | Junio 30, 1936 | Septiembre 23, 1937 |

1. Con reservas.

El instrumento original está depositado en la Unión Panamericana, la cual es además depositaria de los instrumentos de ratificación. Registrada en las Naciones Unidas el 3 de marzo de 1953 (No. 486, Vol. 161).

DECLARATION ON THE JURIDICAL PERSONALITY OF FOREIGN COMPANIES

Opened for signature at the Pan American Union
on June 25, 1936

The Seventh International Conference of American States approved the following resolution (Number XLVIII):

"The Seventh International Conference of American States, Resolves:

1. That the Governing Board of the Pan American Union shall appoint a Commission of five experts, to draft a project for simplification and uniformity of powers of attorney, and the juridical personality of foreign companies, if such uniformity is possible. If such uniformity is not possible, the Commission shall suggest the most adequate procedure for reducing to a minimum both the number of different systems of legislation on these subjects and the reservations made to the several conventions.

2. The report should be issued in 1934, and be given to the Governing Board of the Pan American Union in order that it may submit it to the consideration of all the Governments, members of the Pan American Union, for the purposes indicated."

In compliance with the foregoing resolution, the Governing Board at its session of November 7, 1934, appointed a Committee of Experts composed of the Ministers of Venezuela, Panama, and Haiti, and Mr. David E. Grant and Dr. E. Gil Borges. This Committee submitted to the Governing Board at the session of December 5, 1934, a report on the juridical personality of foreign companies in the countries of America. The conclusion of the report of the Committee was presented in the form of the following recommendation:

"Companies constituted in accordance with the laws of one of the Contracting States, and which have their seats in its territory, shall be able to exercise in the territories of the other Contracting States, notwithstanding that they do not have a

permanent establishment, branch or agency in such territories, any commercial activity which is not contrary to the laws of such States and to enter all appearances in the courts as plaintiffs or defendants, provided they comply with the laws of the country in question. "

The undersigned, being properly authorized by their respective Governments, declare that the principle formulated by the Committee of Experts in the foregoing conclusion to the report mentioned above, is in harmony with the doctrine established in the laws of their respective countries.

The present protocol, in Spanish, Portuguese, English and French, under the present date, shall be deposited in the Pan American Union and remain open for the signature of States which desire to make an analogous declaration.

The representatives of the States which desire to adhere with modifications to the principle enunciated in this declaration, may insert before their signatures the formula which they desire to sign.

IN WITNESS WHEREOF, the undersigned representatives sign this protocol on behalf of their respective governments, and affix thereto their seals, on the dates appearing opposite their signatures.

RESERVATIONS MADE AT THE TIME
OF SIGNING

CHILE

The Representative of Chile, in signing the present Protocol, formulates the principle of the declaration therein contained, on the juridical personality of foreign companies, in the following terms:

Commercial companies organized according to the laws of one of the signatory States and having their headquarters in its territory that do not have an office, branch, or company representation in another of the signatory States may nevertheless sue or be sued in the territory of such State, subject to the laws of the country, and perform civil and commercial acts that are not contrary to its laws, except that for continued performance of such acts, in such manner that they represent an exercise of the purpose of the company, the commercial company would need special authorization by competent authority according to the laws of the country in which such acts were to be performed.

DOMINICAN REPUBLIC

The Representative of the Dominican Republic, in signing the present Protocol, formulates the principle of the declaration therein contained in the following terms:

Companies organized according to the laws of one of the Contracting States and having their headquarters in its territory that do not have an office, branch, or company representative in another of the Contracting States may nevertheless perform in the territory of such State juridical acts that are not contrary to its laws and sue or be sued, subject to the laws of the country.

UNITED STATES OF AMERICA

The Secretary of State of the United States of America signs the foregoing Declaration on the Juridical Personality of Foreign Companies with the following understandings:

"1. It is understood that the companies described in the Declaration shall be permitted to sue or defend suits of any kind, without the requirement of registration or domestication.

"2. It is further understood that the Government of the United States of America may terminate the obligations arising under the Declaration at any time after twelve months' notice given in advance."

* * *

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF SIGNATURE</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|---------------------------------|--------------------------|--|
| Chile ¹ | June 25, 1936 | |
| Dominican Republic ¹ | November 7, 1939 | |
| Ecuador | July 22, 1936 | |
| El Salvador | July 22, 1936 | |
| Nicaragua | July 22, 1936 | |
| Peru | July 22, 1936 | |
| United States ¹ | June 23, 1939 | July 10, 1941 ¹ |
| Venezuela | June 30, 1936 | September 23, 1937 |

1. With reservations.

The original instrument is deposited with the Pan American Union, which is also the depository of the instruments of ratification. Registered with the United Nations on March 3, 1953 (Reg. No. 486, Vol. 161).

DECLARAÇÃO SÔBRE A PERSONALIDADE JURÍDICA DAS COMPANHIAS ESTRANGEIRAS

Aberta à assinatura na União Pan-Americana
em 25 de junho de 1936

A Sétima Conferência Internacional Americana aprovou a seguinte Resolução (Número XLVIII):

"A Sétima Conferência Internacional Americana resolve:

1. Que o Conselho Diretor da União Pan-Americana designe uma comissão de peritos formada por cinco membros, para que formule um anteprojeto de unificação de legislações sobre simplificação e uniformidade de procurações e personalidade jurídica de companhias estrangeiras, se tal unificação é possível, e em caso contrário, para que aconselhe o procedimento mais adequado para reduzir ao menor número possível os diversos sistemas legislativos sobre estas matérias, assim como também as reservas de que se faz uso nas convenções a esse respeito.

2. O relatório será emitido no ano de 1934 e remetido ao Conselho Diretor para que este o submeta à consideração de todos os Governos da União Pan-Americana para os efeitos acima indicados."

Em cumprimento da supra-citada Resolução, o Conselho Diretor nomeou, em sua sessão de 7 de novembro de 1934, a Comissão de Peritos composta dos senhores Ministros da Venezuela, Panamá e Haiti, do senhor David E. Grant e do Dr. E. Gil-Borges, a qual submeteu ao Conselho Diretor, em sua sessão de 5 de dezembro de 1934, um relatório sobre a personalidade jurídica das companhias estrangeiras nos países da América. Como conclusão do seu relatório a Comissão fez a seguinte recomendação:

"As sociedades constituídas segundo as leis de um dos Estados Contratantes com sede em seu território, que não tenham assento, sucursal, ou representação social em outro dos Estados Contratantes, poderão, todavia, praticar no território destes, atos de comércio que não sejam contrários às suas leis e comparecer em juízo como demandantes ou como demandadas com sujeição às leis do país."

Os abaixo-assinados, devidamente autorizados pelos seus respectivos Governos, declaram que os princípios formulados pela Comissão na conclusão do relatório acima transcrito, estão em harmonia com a doutrina estabelecida na legislação dos seus respectivos países.

O presente protocolo, em espanhol, português, inglês e francês, com a data de hoje, será depositado na União Pan-Americana, e ficará aberto à assinatura dos países que desejarem fazer semelhante declaração.

Os representantes dos Estados que desejarem aderir com algumas modificações aos princípios enunciados nesta declaração, poderão inserir antes de sua assinatura a fórmula que desejarem subscrever.

EM FÉ DO QUE, os Representantes abaixo-assinados, em nome dos seus respectivos Governos, firmam o presente Protocolo e nele apõem os seus selos nas datas indicadas junto às suas assinaturas.

RESERVAS FEITAS AO ASSINAR-SE A DECLARAÇÃO

CHILE

Ao firmar o presente Protocolo, o Representante do Chile formula como segue o princípio da citada Declaração sobre a Personalidade Jurídica das Companhias Estrangeiras:

As sociedades comerciais, constituídas segundo as leis de um dos Estados signatários, sediadas em seu território, porém sem matriz, sucursal ou representação social em outro dos Estados signatários, poderão, entretanto, comparecer em juízo no território dêste como demandantes ou demandadas, sujeitas às leis do país, e praticar atos civís e de comércio que não sejam contrários a suas leis, salvo quando se tratar da prática continuada dos ditos atos, de modo a importarem os mesmos no exercício do objeto social, devendo a sociedade comercial, nesse caso, requerer autorização especial da autoridade competente, de acôrdo com as leis do país onde tais atos tiverem de ser praticados.

ESTADOS UNIDOS DA AMÉRICA

O Secretário de Estado dos Estados Unidos da América assina a Declaração sobre a Personalidade Jurídica das Companhias Estrangeiras, acima transcrita, no entendimento de que:

"1. Entende-se que as companhias a que se refere a Declaração poderão mover ação de qualquer natureza ou defender-se em juízo, sem que para isso tenham de requerer registro ou nacionalização.

"2. Entende-se, ademais, que o Govêrno dos Estados Unidos da América pode dar, em qualquer ocasião, por findas as obrigações decorrentes da Declaração, mediante aviso prévio de doze meses."

REPÚBLICA DOMINICANA

Ao firmar o presente Protocolo, o Representante da República Dominicana formula, como segue, o princípio da citada Declaração:

As sociedades, constituídas segundo as leis de um dos Estados Contratantes, sediadas em seu território, porém sem matriz, sucursal ou representação social em outro dos Estados Contratantes, poderão, entretanto, praticar, no território desses Estados, atos jurídicos que não sejam contrários a suas leis, bem como, com observância das leis do país, comparecer em juízo como demandantes ou demandados.

* * *

| <u>PAÍSES SIGNATÁRIOS</u> | <u>DATA DA ASSINATURA</u> | <u>DATA DO DEPÓSITO DO INSTRUMENTO DE RATIFICAÇÃO</u> |
|---|-------------------------------|---|
| Chile ¹ | 25 de junho de 1936 | |
| El Salvador | 22 de julho de 1936 | |
| Equador | 22 de julho de 1936 | |
| Estados Unidos da América ¹ | 23 de junho de 1939 | 10 de julho de 1941 ¹ |
| Nicarágua | 22 de julho de 1936 | |
| Peru | 22 de julho de 1936 | |
| República Dominicana ¹ | 7 de novembro de 1939 | |
| Venezuela | 30 de junho de 1936 | 23 de setembro de 1937 |

1. Com reservas.

O instrumento original está depositado na União Pan-Americana, a qual, outrossim, é a depositária dos instrumentos de ratificação. Registrado nas Nações Unidas a 3 de março de 1953 (Reg. No. 486, Vol. 161).

DECLARATION SUR LA PERSONNALITE JURIDIQUE DES SOCIETES ETRANGERES

Ouverte à la signature à l'Union Panaméricaine
le 25 juin 1936

La Septième Conférence Internationale des Etats Américains a adopté la résolution suivante (no XLVIII):

"La Septième Conférence Internationale des Etats Américains émet le vœu:

1. Que le Conseil de Direction de l'Union Panaméricaine crée une Commission de cinq Experts chargée de rédiger un projet de texte pour simplifier et uniformiser les procurations et la personnalité juridique des sociétés étrangères, au cas où cette uniformisation serait possible; que dans le cas contraire la Commission soit chargée de suggérer le moyen le plus propre à réduire au nombre minimum les différents systèmes législatifs sur ces questions et les réserves faites dans les différentes conventions.

2. Que le rapport soit terminé en 1934 et qu'il soit présenté au Conseil de Direction de l'Union Panaméricaine pour que celui-ci puisse le soumettre à l'Union Panaméricaine, aux fins indiquées."

Se conformant à la susdite résolution, le Conseil de Direction, dans sa réunion du 7 novembre 1934, a créé une Commission de cinq Experts composée des Ministres du Venezuela, de Panama et de Haïti, de M. David E. Grant et de M. le Dr E. Gil Borges. Cette Commission a présenté au Conseil de Direction, à sa réunion du 5 décembre 1934, un rapport sur la personnalité juridique des sociétés étrangères dans les pays de l'Amérique. Les conclusions du rapport de la Commission furent présentées dans la recommandation suivante:

"Les sociétés constituées d'après les lois d'un des Etats contractants et ayant leur siège dans le territoire dudit Etat pourront poursuivre, dans le territoire des autres Etats contractants, même si elles n'ont, dans lesdits territoires, ni établissement permanent, ni succursale, ni agence, toutes les activités commerciales qui ne sont pas contraires aux lois de ces Etats, et se constituer parties réclamantes ou défendantes pour toutes affaires et devant tous les tribunaux, à condition

qu'elles se conforment aux lois du pays en question. "

Les soussignés, munis de l'autorisation nécessaire de la part de leurs Gouvernements respectifs, déclarent que le principe formulé par la Commission d'Experts dans la précédente conclusion au rapport susmentionné, est en accord avec le principe établi dans la législation de leurs pays respectifs.

Le présent protocole, rédigé en langues espagnole, portugaise, anglaise et française et daté d'aujourd'hui, sera déposé aux archives de l'Union Panaméricaine, et restera ouvert à la signature des Etats désireux de faire la même déclaration.

Les représentants des Etats désireux d'adhérer avec réserve au principe énoncé dans la présente déclaration pourront insérer, devant leur signature, la formule qu'ils désirent souscrire.

EN FOI DE QUOI les soussignés plénipotentiaires ont signé le présent protocole au nom de leurs Gouvernements respectifs, et y ont apposé leurs sceaux aux dates apparaissant en regard de leurs signatures.

* * *

RESERVES FAITES AU MOMENT DE LA SIGNATURE DE LA DECLARATION

CHILI

En signant le présent Protocole, le Représentant du Chili formule comme suit le principe de la Déclaration relative à la personnalité juridique des sociétés étrangères:

Les sociétés commerciales constituées d'après les lois d'un des Etats signataires et ayant leur siège dans le territoire dudit Etat, mais n'ayant pas d'établissement permanent, de succursale ni d'agence dans les autres Etats signataires, pourront toutefois comparaitre en justice dans le territoire de ces derniers, à titre de demanderesse ou de défenderesse en se conformant aux lois de ces pays, et passer des actes civils et de commerce selon lesdites lois, excepté que la réitération continue de tels actes, dans la mesure où elle intéresse les affaires de la Société, nécessite une autorisation spéciale des pouvoirs compétents aux termes des lois du pays où ces actes doivent être passés.

ETATS-UNIS D'AMERIQUE

Le Secrétaire d'Etat des Etats-Unis d'Amérique signe la Déclaration sur la personnalité juridique des sociétés étrangères avec les réserves suivantes:

"1. Il est entendu que les sociétés visées par la Déclaration seront admises à ester ou à se défendre en justice sur toute sorte de contestation, sans formalité d'enregistrement ou de reconnaissance.

"2. Il est en outre entendu que le Gouvernement des Etats-Unis d'Amérique peut mettre fin aux obligations découlant de la Déclaration, à tout moment sur préavis d'une année."

REPUBLIQUE DOMINICAINE

"En signant le présent Protocole, le Représentant de la République Dominicaine formule comme suit le principe de la Déclaration en question:

"Les sociétés constituées d'après les lois d'un des Etats contractants et ayant leur siège dans le territoire dudit Etat, mais n'ayant pas d'établissement permanent, de succursale ni d'agence dans d'autres Etats contractants, pourront néanmoins procéder aux actes de la vie juridique de ces derniers sans en enfreindre les lois et comparaître en justice à titre de demandereses ou de défenderesses, en se conformant à ces lois."

| <u>PAYS SIGNATAIRES</u> | <u>DATE DE LA SIGNATURE</u> | <u>DATE DU DÉPÔT DE L'INSTRUMENT DE RATIFICATION</u> |
|-------------------------------------|---------------------------------|--|
| Chili ¹ | 25 juin 1936 | |
| Equateur | 22 juillet 1936 | |
| Etats-Unis d'Amérique ¹ | 23 juin 1939 | 10 juillet 1941 ¹ |
| Nicaragua | 22 juillet 1936 | |
| Pérou | 22 juillet 1936 | |
| République Dominicaine ¹ | 7 novembre 1939 | |
| Salvador | 22 juillet 1936 | |
| Venezuela | 30 juin 1936 | 23 septembre 1937 |

1. Avec réserve.

L'instrument original est tenu à l'Union Panaméricaine, dépositaire des instruments de ratification. Enregistrée aux Nations Unies le 3 mars 1953 (No 486, Vol. 161)

SERIE SOBRE TRATADOS No. 27

OEА DOCUMENTOS OFICIALES OEA/Ser. A/70a (SEPF)

**PROTOCOLO SOBRE UNIFORMIDAD
DEL REGIMEN LEGAL DE LOS PODERES**

Abierto a la firma en la Unión Panamericana el 17 de febrero de 1940

**PROTOCOL ON UNIFORMITY OF POWERS
OF ATTORNEY WHICH ARE TO BE
UTILIZED ABROAD**

Opened for signature at the Pan American Union on February 17, 1940

**PROTOCOLO SÔBRE UNIFORMIDADE
DO REGIME LEGAL DAS PROCURAÇÕES**

Aberto à assinatura na União Pan-Americana em 17 de fevereiro de 1940

**PROTOCOLE SUR L'UNIFORMITE DES
PROCURATIONS DESTINEES A ETRE
EMPLOYEES A L'EXTERIEUR**

Ouvert à la signature à l'Union Panaméricaine le 17 février 1940

UNION PANAMERICANA
Secretaría General, Organización de los Estados Americanos
WASHINGTON, D. C., 1962

Esta serie se publica bajo la dirección de la División Jurídica General,
Departamento de Asuntos Jurídicos, Unión Panamericana, Washington, D. C.

PROTOCOLO SOBRE UNIFORMIDAD DEL REGIMEN LEGAL DE LOS PODERES

Abierto a la firma en la Unión Panamericana
el 17 de febrero de 1940

La Séptima Conferencia Internacional Americana aprobó la siguiente Resolución (Núm. XLVIII):

"La Séptima Conferencia Internacional Americana, resuelve:

1. Que el Consejo Directivo de la Unión Panamericana designe una Comisión de Expertos formada por cinco miembros para que redacte un anteproyecto de unificación de legislaciones sobre simplificación y uniformidad de poderes y personería jurídica de compañías extranjeras, si tal unificación es posible; y en caso contrario, para que aconseje el procedimiento más adecuado para reducir al mínimo posible los sistemas a que responden las distintas legislaciones sobre estas materias, así como también las reservas de que se hace uso en las convenciones al respecto.

2. El informe será expedido en el año 1934 y remitido al Consejo Directivo para que éste lo someta a la consideración de todos los Gobiernos de la Unión Panamericana a los efectos preindicados."

La Comisión de Expertos designada por el Consejo Directivo de la Unión Panamericana de acuerdo con la resolución arriba transcrita redactó un proyecto sobre uniformidad del régimen legal de los poderes que se otorgan para obrar en países extranjeros, que fue sometido a los Gobiernos de las repúblicas americanas por el Consejo Directivo y revisado luego en conformidad con las observaciones de los Gobiernos miembros de la Unión Panamericana.

Varios de los Gobiernos de las repúblicas americanas han manifestado que están dispuestos a suscribir los principios de dicho proyecto y a darles expresión convencional, en los términos siguientes :

ARTICULO I

En los poderes que se otorgan en los países que forman la Unión Panamericana, destinados a obrar en el extranjero, se observarán las reglas siguientes:

1. Si el poder lo otorgare en su propio nombre una persona natural, el funcionario que autorice el acto (Notario, Registrador, Escribano, Juez o cualquier otro a quien la ley del respectivo país atribuyere tal función) dará fe de que conoce al otorgante y de que éste tiene capacidad legal para el otorgamiento.

2. Si el poder fuere otorgado en nombre de un tercero o fuere delegado o sustituido por el mandatario, el funcionario que autorice el acto, además de dar fe, respecto al representante que hace el otorgamiento del poder, delegación o sustitución, de los extremos indicados en el número anterior, la dará también de que él tiene efectivamente la representación en cuyo nombre procede, y de que esta representación es legítima según los documentos auténticos que al efecto se le exhibieren y los cuales mencionará específicamente, con expresión de sus fechas y de su origen o procedencia.

3. Si el poder fuere otorgado en nombre de una persona jurídica, además de la certificación a que se refieren los números anteriores, el funcionario que autorice el acto dará fe, respecto a la persona jurídica en cuyo nombre se hace el otorgamiento, de su debida constitución, de su sede, de su existencia legal actual y de que el acto para el cual se ha otorgado el poder está comprendido entre los que constituyen el objeto o actividad de ella. Esa declaración la basará el funcionario en los documentos que al efecto le fueren presentados, tales como escritura de constitución, estatutos, acuerdos de la Junta u organismo director de la persona jurídica y cualesquiera otros documentos justificativos de la personería que se confiere. Dichos documentos los mencionará el funcionario con expresión de sus fechas y su origen.

ARTICULO II

La fe que, conforme al artículo anterior, diere el funcionario que autorice el poder no podrá ser destruída sino mediante prueba en contrario producida por el que objetare su exactitud.

A este efecto no es menester la tacha por falsedad del documento cuando la objeción se fundare únicamente en la errónea apreciación o interpretación jurídica en que hubiere incurrido el funcionario en su certificación.

ARTICULO III

No es menester para la eficacia del poder que el mandatario manifieste en el propio acto su aceptación. Esta resultará del ejercicio mismo del poder.

ARTICULO IV

En los poderes especiales para ejercer actos de dominio que se otorguen en cualquiera de los países de la Unión Panamericana, para obrar en otro de ellos, será preciso que se determine concretamente el mandato a fin de que el apoderado tenga todas las facultades necesarias para el hábil cumplimiento del mismo, tanto en lo relativo a los bienes como a toda clase de gestiones ante los tribunales o autoridades administrativas a fin de defenderlos.

En los poderes generales para administrar bienes bastará expresar que se confieren con ese carácter para que el apoderado tenga toda clase de facultades administrativas, inclusive las necesarias para pleitos y procedimientos administrativos y judiciales referentes a la administración.

En los poderes generales para pleitos, cobranzas o procedimientos administrativos o judiciales, bastará que se diga que se otorgan con todas las facultades generales y las especiales que requieran cláusula especial, conforme a la ley, para que se entiendan conferidos sin limitación o restricción alguna.

La disposición de este artículo tendrá el carácter de regla especial que prevalecerá sobre las reglas generales que en cualquier otro sentido estableciere la legislación del respectivo país.

ARTICULO V

En cada uno de los países que componen la Unión Panamericana serán válidos legalmente los poderes otorgados en cualquier otro de ellos que se ajusten a las reglas formuladas en este Protocolo, siempre que estuvieren además legalizados de conformidad con las reglas especiales sobre legalización.

ARTICULO VI

Los poderes otorgados en país extranjero y en idioma extranjero podrán dentro del cuerpo del mismo instrumento ser traducidos al idioma del país donde estuvieren destinados a obrar. En tal caso la traducción así autorizada por el otorgante se tendrá por exacta en todas

sus partes. Podrá también hacerse la traducción del poder en el país donde se ejercerá el mandato de acuerdo con el uso o la legislación del mismo.

ARTICULO VII

Los poderes otorgados en el país extranjero no requieren como formalidad previa a su ejercicio la de ser registrados o protocolizados en oficinas determinadas, sin perjuicio de que se practique el registro o la protocolización cuando así lo exija la ley como formalidad especial en determinados casos.

ARTICULO VIII

Cualquiera persona que de acuerdo con la ley pueda intervenir o hacerse parte en un procedimiento judicial o administrativo para la defensa de sus intereses, podrá ser representada por un gestor, a condición de que dicho gestor presente por escrito el poder legal necesario, o de que, mientras no se acredite debidamente la personería, el gestor preste fianza o caución a discreción del tribunal o de la autoridad administrativa que conozca del negocio, para responder de las costas o de los perjuicios que pueda causar la gestión.

ARTICULO IX

En los casos de poderes formalizados en cualquier país de la Unión Panamericana, con arreglo a las disposiciones que anteceden, para ser ejercidos en cualquiera de los otros países de la misma Unión, los notarios debidamente constituídos como tales conforme a las leyes del respectivo país, se estimarán capacitados para ejercer funciones y atribuciones equivalentes a las conferidas a los notarios por las leyes de (nombre del país), sin perjuicio, sin embargo, de la necesidad de protocolizar el instrumento en los casos a que se refiere el artículo VII.

ARTICULO X

Lo que en los artículos anteriores se dice respecto de los notarios, se aplicará igualmente a las autoridades y funcionarios que ejercen funciones notariales conforme a la legislación de sus respectivos países.

ARTICULO XI

El original del presente Protocolo, en español, portugués, inglés y francés, con la fecha de hoy, será depositado en la Unión Panamericana y quedará abierto a la firma de los Estados miembros de la Unión Panamericana.

ARTICULO XII

El presente Protocolo entrará en vigor respecto de cada una de las Altas Partes Contratantes desde la fecha de su firma por dicha Parte Contratante, quedará abierto a la firma de los Estados miembros de la Unión Panamericana, y permanecerá indefinidamente en vigor, pero cualquiera de las Partes puede terminar las obligaciones contraídas por el Protocolo tres meses después de haber notificado su intención a la Unión Panamericana.

No obstante lo estipulado en el párrafo anterior, cualquier Estado que lo desee, puede firmar ad referendum el presente Protocolo, que en este caso no entrará en vigor respecto de dicho Estado sino después del depósito en la Unión Panamericana del instrumento de la ratificación conforme a su procedimiento constitucional.

ARTICULO XIII

Cualquier Estado que desee aprobar el presente Protocolo con algunas modificaciones podrá declarar antes de su firma la forma en que le dará aplicación.

EN FE DE LO CUAL, los infrascritos plenipotenciarios, después de haber depositado sus Plenos Poderes, que se han encontrado en buena y debida forma, firman y sellan este Protocolo en nombre de sus respectivos Gobiernos en las fechas indicadas junto a sus firmas.

RESERVAS O DECLARACIONES HECHAS AL FIRMAR EL PROTOCOLO

BOLIVIA

El Plenipotenciario de Bolivia firma el presente Protocolo con la siguiente aclaración al Artículo I, Inciso 2:

"Para la correcta aplicación del Art. I, Inciso 2, del Protocolo sobre Uniformidad del Régimen Legal en los Poderes en el territorio de la República de Bolivia es necesario que el notario o funcionario encargado de autorizar documentos, inserte en los Poderes que se otorguen por delegación o por sustitución el texto íntegro de los Poderes originales y de todos aquellos documentos que prueben la personería del poderconferente. "

COLOMBIA

El Plenipotenciario de Colombia firma ad referendum de la aprobación por el Congreso Nacional el Protocolo sobre Régimen Legal de los Poderes, haciendo la reserva de que la legislación colombiana consignada en el artículo 2590 del Código Civil establece que los notarios no responden sino de la parte formal y no de la sustancial de los actos y contratos que autorizan.

MEXICO

El Gobierno de los Estados Unidos Mexicanos, al aceptar las disposiciones del Artículo IV, hace la declaración expresa de que los extranjeros que para el ejercicio de determinados actos estén obligados a hacer ante las Autoridades el convenio o renuncia a que se refiere la fracción I del Artículo 27 de la Constitución Política de los Estados Unidos Mexicanos, deberán otorgar Poder Especial, determinándose expresamente en una de sus cláusulas el convenio y renuncia citados. La fracción I del Artículo 27 Constitucional dice: "Sólo los mexicanos por nacimiento o por naturalización y las sociedades mexicanas, tienen derecho para adquirir el dominio de las tierras, aguas y sus acciones, o para obtener concesiones de explotación de minas, aguas o combustibles minerales en la República Mexicana. El Estado podrá conceder el mismo derecho a los extranjeros siempre que convengan ante la Secretaría de Relaciones Exteriores en considerarse como nacionales respecto de dichos bienes y en no invocar, por lo mismo, la protección de sus gobiernos por lo que se refiere a aquéllos; bajo la

pena, en caso de faltar al convenio, de perder en beneficio de la nación, los bienes que hubieren adquirido en virtud del mismo. En una faja de cien kilómetros a lo largo de las fronteras y de cincuenta en las playas, por ningún motivo podrán los extranjeros adquirir el dominio directo sobre tierras y aguas."

VENEZUELA

El Representante de Venezuela firma el presente Protocolo con la siguiente modificación al inciso 1 del artículo primero:

"1. - Si el poder lo otorgare en su propio nombre una persona natural, el funcionario que autorice el acto (Notario, Registrador, Escribano, Juez o cualquier otro a quien la ley del respectivo país atribuyere tal función) dará fe de que conoce al otorgante y de que éste tiene capacidad legal para el otorgamiento, según los documentos que ha producido."

RESERVAS O DECLARACIONES HECHAS AL RATIFICAR EL PROTOCOLO

COLOMBIA

Con la reserva formulada al firmar el Protocolo.

EL SALVADOR

(a) El Artículo IX, se tendrá por redactado para su aplicación en El Salvador, en la forma que sigue:

"Artículo IX.- Los Poderes otorgados en cualquiera de los países de la Unión Panamericana con arreglo a las disposiciones que anteceden y de conformidad con las leyes del país de origen, para ser ejercitados en cualquier otro país de la Unión, se tendrán como otorgados ante un notario competente del país en que se ejerzan, sin perjuicio, sin embargo, de la necesidad de protocolizar el instrumento en los casos a que se refiere el Artículo VII. "

(b) Al Artículo VIII se hace la reserva de que no podrá ser admitida la gestión oficiosa del gestor, como actor o reo, en los asuntos judiciales o administrativos para los cuales las leyes salvadoreñas requieren que la representación se acredite con poder especial.

MEXICO

Con la reserva formulada al firmar el Protocolo.

VENEZUELA

Con la reserva formulada al firmar el Protocolo.

* * *

| <u>PAISES SIGNATARIOS</u> | <u>FECHA DE LA FIRMA</u> | <u>FECHA DE DEPOSITO DEL INSTRUMENTO DE RATIFICACION</u> |
|-------------------------------|------------------------------|--|
| Bolivia ¹ | Septiembre 26, 1940 | |
| Brasil ² | Septiembre 6, 1940 | |
| Colombia ¹ | Mayo 25, 1940 | Junio 10, 1943 ¹ |
| El Salvador | Mayo 21, 1940 | Febrero 6, 1941 ¹ |
| Estados Unidos | Octubre 3, 1941 | Abril 16, 1942 |
| México ¹ | Diciembre 15, 1951 | Junio 24, 1953 ¹ |
| Nicaragua | Mayo 27, 1940 | |
| Panamá | Abril 10, 1940 | |
| Venezuela ¹ | Febrero 20, 1940 | Noviembre 3, 1941 ¹ |

1. Con reservas.

2. Brasil no firmó ad referendum y por lo tanto el Protocolo entró en vigor, respecto de ese país, en la fecha de la firma, de acuerdo con lo previsto en ese instrumento.

El instrumento original está depositado en la Unión Panamericana, la cual es además depositaria de los instrumentos de ratificación. De acuerdo con el Artículo XII, el Protocolo entra en vigor respecto de cada una de las Altas Partes Contratantes, desde la fecha de su firma por la misma, a menos que se firme ad referendum, en cuyo caso no entra en vigor respecto de dicha Parte sino después del depósito del instrumento de ratificación. Registrado en las Naciones Unidas el 3 de marzo de 1953 (No. 487, Vol. 161).

**PROTOCOL ON UNIFORMITY OF POWERS OF ATTORNEY
WHICH ARE TO BE UTILIZED ABROAD**

Opened for signature at the Pan American Union
on February 17, 1940

The Seventh International Conference of American States
approved the following resolution (No. XLVIII):

"The Seventh International Conference of American States
resolves:

1. That the Governing Board of the Pan American Union shall appoint a Commission of five experts, to draft a project for simplification and uniformity of powers of attorney, and the juridical personality of foreign companies, if such uniformity is possible. If such uniformity is not possible, the Commission shall suggest the most adequate procedure for reducing to a minimum both the number of different systems of legislation on these subjects and the reservations made to the several conventions.

2. The report should be issued in 1934, and be given to the the Governing Board of the Pan American Union in order that it may submit it to the consideration of all the Governments, members of the Pan American Union, for the purposes indicated."

The committee of experts appointed by the Governing Board of the Pan American Union pursuant to the above resolution prepared a draft of uniform legislation governing powers of attorney to be utilized abroad, which was submitted by the Governing Board to the governments, members of the Pan American Union, and revised in accordance with the observations of the said governments.

A number of the governments of the American Republics have indicated that they are prepared to subscribe to the principles of the said draft, and to give them conventional expression, in the following terms:

ARTICLE I

Powers of attorney granted in the countries, comprising the Pan American Union, for utilization abroad, shall conform to the following rules:

1. If the power of attorney is executed by or on behalf of a natural person, the attesting official (notary, registrar, clerk of court, judge or any other official upon whom the law of the respective country confers such functions) shall certify from his own knowledge to the identity of the appearing party and to his legal capacity to execute the instrument.
2. If the power of attorney is executed in the name of a third person, or if it is delegated or if there is a substitution by the agent, the attesting official, in addition to certifying, in regard to the representative who executes the power of attorney, or delegates or makes a substitution, to the requirements mentioned in the foregoing paragraph, shall also certify that such representative has in fact the authority to represent the person in whose name he appears, and that this representation is legal according to such authentic documents as for this purpose are exhibited to said attesting official and which the latter shall mention specifically, giving their dates, and their origin or source.
3. If the power of attorney is executed in the name of a juridical person, in addition to the certification referred to in the foregoing paragraphs, the attesting official shall certify, with respect to the juridical person in whose name the power is executed, to its due organization, its home office, its present legal existence, and that the purposes for which the instrument is granted are within the scope of the objects or activities of the juridical person; which declarations shall be based on the documents which for that purpose are presented to the official, such as the instrument of organization, bylaws, resolutions of the board of directors or other governing body, and such other legal documents as shall substantiate the authority conferred. The attesting official shall specifically mention these documents, giving their dates and their origin.

ARTICLE II

The certification made by the attesting official pursuant to the provisions of the foregoing article, shall not be impugned except by proof to the contrary produced by the person challenging its accuracy.

For this purpose, it shall not be necessary to allege falsity of the document if the objection is founded only on an erroneous legal construction or interpretation made by the official in his certification.

ARTICLE III

It shall be unnecessary for the grantee of a power of attorney to signify therein his acceptance of the mandate; such acceptance being conclusively presumed by the grantee's acting under the power.

ARTICLE IV

Special powers of attorney to authorize acts of ownership granted in any of the countries of the Pan American Union, for use in another member country, must specify in concrete terms the nature of the powers conferred, to enable the grantee to exercise all the rights necessary for the proper execution of the power with respect to property as well as to the taking of all necessary steps before the tribunals or administrative authorities in defense thereof.

General powers of attorney for the administration of property shall be sufficient, if expressly granted with that general character, to empower the grantee to consummate all manner of administrative acts, including the prosecution and defense of law suits and administrative and judicial proceedings, in connection with the administration of the property.

General powers of attorney for lawsuits, collections or administrative or judicial proceedings, when so worded as to indicate that they confer all general powers and all such special powers as, according to the law, ordinarily require a special clause, shall be deemed to be granted without any limitation or restriction whatever.

The provisions of this article shall have the character of a special rule which shall prevail over such general rules to the contrary as the legislation of the respective country may establish.

ARTICLE V

Powers of attorney granted in any of the member countries of the Pan American Union, which are executed in conformity with the rules of this Protocol, shall be given full faith and credit, provided, however, that they are legalized in accordance with the special rules governing legalization.

ARTICLE VI

Powers of attorney granted abroad and in a foreign language may be translated into the language of the country of their destination and the translation incorporated as part of the text of the instrument thereof. In such case, the translation, so authorized by the grantor, shall be deemed accurate in every particular. The translation of the power of attorney may also be made in the country where the power is to be utilized, in accordance with the local usage or pertinent laws of such a country.

ARTICLE VII

Powers granted in a foreign country do not require as a prerequisite their registration or protocolization thereof in designated offices. However, this rule will not prevail when the registration or protocolization of such instruments is required by the law as a special formality in specific cases.

ARTICLE VIII

Any person who may, pursuant to the pertinent legislation, intervene or become a party in a judicial or administrative proceeding for the defense of his interests, may be represented by a volunteer, on condition, however, that such representative shall furnish the necessary legal authority in writing, or that, pending the due substantiation of his authority, such representative shall furnish bond, at the discretion of the competent tribunal or administrative authority, to respond for the costs or damages which his action may occasion.

ARTICLE IX

In the case of powers of attorney, executed in any of the countries of the Pan American Union in accordance with the foregoing provisions, to be utilized in any other member country of the Union, notaries duly commissioned as such under the laws of their respective countries shall be deemed to have authority to exercise functions and powers equivalent to those accorded to native notaries by the laws and regulations of (name of country), without prejudice, however, to the necessity of protocolization of the instrument in the cases referred to in Article VII.

ARTICLE X

What has been said in the foregoing articles with respect to notaries, shall apply with equal force to the authorities or officials that exercise notarial functions under the laws of their respective countries.

ARTICLE XI

The original of the present Protocol in Spanish, Portuguese, English and French, under the present date shall be deposited in the Pan American Union and opened for signature by the states, members of the Pan American Union.

ARTICLE XII

The present Protocol 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 of the states, members of the Pan American Union, 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 Protocol ad referendum, which Protocol 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 XIII

Any state desiring to approve the present Protocol with modifications may indicate, when signing the Protocol, the form in which the instrument will be given effect within its territory.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Protocol on behalf of their respective governments, and affix thereto their seals on the dates appearing opposite their signatures.

RESERVATIONS AND DECLARATIONS MADE AT THE TIME OF SIGNING

BOLIVIA

The Representative of Bolivia signs this Protocol with the following clarification regarding Article I, Section 2:

"For the correct application of Article I, Section 2 of the Protocol on Uniformity of Powers of Attorney in the territory of the Republic of Bolivia, it is necessary that the notary or official charged with the authentication of documents insert in the Powers of Attorney which are issued by delegation or by substitution the integral text of the original Powers of Attorney and of all those documents which prove the legal capacity of the person conferring the power."

COLOMBIA

The Plenipotentiary of Colombia signs the Protocol on Powers of Attorney ad referendum to approval by the National Congress, making the reservation that the Legislation of Colombia, in Article 2590 of the Civil Code, provides that notaries are responsible only for the formal part and not for the substance of the acts and contracts which they authenticate.

MEXICO

The Government of the United Mexican States, in accepting the provisions of Article IV, makes the express declaration that aliens who are required, for the performance of certain acts, to enter into the agreement or waiver referred to in Section I of Article 27 of the Political Constitution of the United Mexican States, must grant a special power of attorney, expressly including as one of its provisions the agreement and waiver above mentioned. Section I of Article 27 of the Constitution reads as follows: "Only Mexicans by birth or by naturalization, and Mexican companies, have the right to acquire the ownership of lands, waters, and their appurtenances, or to obtain concessions for the exploitation of mines, waters, or mineral fuels in the Mexican Republic. The State may grant the same right to aliens, provided they enter into an agreement before the Secretariat of Foreign Relations to be considered as Mexicans with respect to such property, and not to invoke, therefore, the protection of their governments in any matter relating thereto; under the penalty, in the event they

violate the agreement, of forfeiture to the nation of property they have acquired by reason thereof. Under no circumstances may foreigners acquire direct ownership of lands and waters within a zone of one hundred kilometers along the seashore."

VENEZUELA

The Representative of Venezuela signed the Protocol with the following modification of Paragraph I of Article I:

"1. If the power of attorney is executed by or on behalf of a natural person, the attesting official (notary, registrar, clerk of court, judge or any other official upon whom the law of the respective country confers such functions) shall certify from his own knowledge to the identity of the appearing party and to his legal capacity to execute the instrument, according to documents which the latter has produced."

RESERVATIONS AND DECLARATIONS MADE AT THE TIME OF RATIFYING

COLOMBIA

With the reservation made at the time of signing.

EL SALVADOR

(a) Article IX, as respects its application in El Salvador, shall be considered as reading as follows:

"Article IX. The powers of attorney granted in any of the countries of the Pan American Union in accordance with the foregoing provisions and in conformity with the laws of the country of origin, shall, for their utilization in any other country of the Union, be considered as granted before a competent notary of the country in which they may be used, without prejudice, however, to the necessity of protocolization of the instrument in the cases referred to in Article VII."

(b) The reservation is made to Article VIII that official activity of the attorney, as plaintiff or defendant, cannot be admitted in judicial or administrative matters for which Salvadorean laws require that representation be accredited by a special power of attorney.

MEXICO

With the reservation made at the time of signing.

VENEZUELA

With the reservation made at the time of signing.

* * *

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF SIGNATURE</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|----------------------------|--------------------------|--|
| Bolivia ¹ | September 26, 1940 | |
| Brazil ² | September 6, 1940 | |
| Colombia ¹ | May 25, 1940 | June 10, 1943 ¹ |
| El Salvador | May 21, 1940 | February 6, 1941 ¹ |
| Mexico ¹ | December 15, 1951 | June 24, 1953 ¹ |
| Nicaragua | May 27, 1940 | |
| Panama | April 10, 1940 | |
| United States | October 3, 1941 | April 16, 1942 |
| Venezuela ¹ | February 20, 1940 | November 3, 1941 ¹ |

1. With reservations.

2. Brazil did not sign ad referendum, and consequently the Protocol entered into force with respect to that country on the date of signature.

The original instrument is deposited with the Pan American Union, which is also the depository of the instruments of ratification. In accordance with Article XII the Protocol is operative as respects each High Contracting Party on the date of signature by such Party, when signed ad referendum, in which case it does not take effect, with respect to such State, until after the deposit of the instrument of ratification. Registered with the United Nations on March 3, 1953 (Reg. No. 487, Vol. 161).

PROTOCOLO SÔBRE UNIFORMIDADE DO REGIME LEGAL DAS PROCURAÇÕES

Aberto à assinatura na União Pan-Americana
em 17 de fevereiro de 1940

A Sétima Conferência Internacional Americana aprovou a seguinte resolução (Número XLVIII):

"A Sétima Conferência Internacional Americana, resolve:

1. Que o Conselho Diretor da União Pan-Americana designe uma Comissão de Peritos formada por cinco membros, para que formule um anteprojeto de unificação de legislações sôbre simplificação e uniformidade de procurações e personalidade jurídica de companhias estrangeiras, se tal unificação é possível, e em caso contrário, para que aconselhe o procedimento mais adequado para reduzir ao menor número possível os diversos sistemas legislativos sôbre estas matérias, assim como também as reservas de que se faz uso nas convenções a êsse respeito.

2. O relatório será emitido no ano de 1934 e remetido ao Conselho Diretor para que êste o submeta à consideração de todos os Governos da União Pan-Americana para os efeitos acima indicados."

A Comissão de Peritos designada pelo Conselho Diretor da União Pan-Americana, de acôrdo com a resolução acima, redigiu um projeto sôbre uniformidade do regime legal das procurações que se passam para ter efeito em países estrangeiros, que foi submetido aos Governos das repúblicas americanas pelo conselho Diretor e revisto em seguida, de conformidade com as observações dos Governos membros da União Pan-Americana.

Diversos dos Governos das repúblicas americanas já se manifestaram dispostos a subscrever aos princípios do referido projeto e dar-lhes expressão convencional, nos seguintes termos:

ARTIGO I

Nas procurações que se outorgam nos países que formam a União Pan-Americana, destinadas a utilização no estrangeiro, observar-se-ão as seguintes regras:

1. Se a procuração fôr outorgada em seu próprio nome por uma pessoa natural, o funcionário que autorizar o ato (notário, registrador, escrivão, juiz, ou qualquer outro a quem a lei do respectivo país atribuir tal função) dará fé de que conhece o outorgante e de que este tem capacidade legal para a outorga.

2. Se a procuração fôr outorgada em nome de um terceiro, ou fôr delegada ou substituída pelo mandatário, o funcionário que autorizar o ato, além de dar fé, a respeito do representante que faz a outorga de procuração, delegação ou substituição, dos requisitos indicados no número anterior, dá-la-á também de que ele tem efetivamente a representação em cujo nome procede, e de que esta representação é válida segundo os documentos autênticos que para esse efeito lhe tenham sido exibidos e os quais mencionará especificamente, com declaração de sua data e de sua origem ou procedência.

3. Se a procuração fôr outorgada em nome de uma pessoa jurídica, além da certificação a que se referem os números anteriores, o funcionário que autorizar o ato dará fé, a respeito da pessoa jurídica em cujo nome se faz a outorga, de sua devida constituição, de sua sede, de sua existência legal atual e de que o ato para o qual foi outorgada a procuração está compreendido entre os que constituem o objetivo ou atividade dela. Esta declaração, o funcionário deverá basear nos documentos que para esse efeito lhe forem apresentados, tais como escritura de constituição, estatutos, acôrdos da Junta ou organismo diretor da pessoa jurídica e quaisquer outros documentos justificativos da procuração que fôr outorgada. O funcionário mencionará os ditos documentos, declarando suas datas e origem.

ARTIGO II

A fé que, em conformidade com o artigo anterior, fôr dada pelo funcionário que autorizar a procuração não poderá ser destruída senão mediante prova em contrário produzida pelo que contestar a sua exatidão.

Para este efeito não cabe a pecha de falsidade do documento quando a objeção se basear unicamente na errônea apreciação ou interpretação jurídica em que houver incorrido o funcionário em sua certificação.

ARTIGO III

Não é necessário para a eficácia da procuração que o mandatário declare no próprio ato a sua aceitação. Esta resultará do próprio exercício da procuração.

ARTIGO IV

Nas procurações especiais para exercer atos de domínio outorgadas em qualquer dos países da União Pan-Americana, para atuar em outro dêles, será preciso que se determinem concretamente os poderes para que o procurador tenha tôdas as faculdades necessárias para o hábil desempenho dos mesmos, tanto no relativo aos bens, como tôda a espécie de atuação ante os tribunais ou autoridades administrativas a fim de defendê-los.

Nas procurações gerais para administrar bens bastará declarar que se outorgam com êsse caráter para que o procurador tenha tôdas as faculdades administrativas inclusive as necessárias para pleitos e processos administrativos e judiciais referentes à administração.

Nas procurações gerais para pleitos, cobranças ou procesos administrativos ou judiciais bastará que se diga que se outorgam com tôdas as faculdades gerais e as especiais que requeiram cláusula especial, de conformidade com a lei, para que se entendam outorgadas sem limitação ou restrição alguma.

A disposição dêste artigo terá o caráter de regra especial que prevalecerá sôbre as regras gerais que em qualquer outro sentido forem estabelecidas pela legislação do respectivo país.

ARTIGO V

Em cada um dos países que compõem a União Pan-Americana serão válidas legalmente as procurações outorgadas em outro dêles que se ajustarem às regras formuladas nêste Protocolo sempre que estiverem além disso legalizadas de conformidade com as regras especiais sôbre legalização.

ARTIGO VI

As procurações outorgadas em país estrangeiro e em idioma estrangeiro poderão dentro do corpo do mesmo instrumento ser traduzidas para o idioma do país em que se destinarem a ser executadas. Em tal caso a tradução assim autorizada pelo outorgante ter-se-á por

exata em tôdas as suas partes. Também poderá ser feita a tradução da procuração no país em que serão exercidos os poderes de acôrdo com o uso ou a legislação do mesmo.

ARTIGO VII

As procurações outorgadas em país estrangeiro não requerem como formalidade prévia ao seu exercício, o registro ou protocolização em repartições determinadas, sem prejuízo de que se faça o registro ou a protocolização quando assim o exigir a lei como formalidade especial em determinados casos.

ARTIGO VIII

Qualquer pessoa que de acôrdo com a lei puder intervir ou fazer-se parte em um processo judicial ou administrativo para a defesa de seus interesses, poderá ser representada por um procurador, contanto que o dito procurador apresente por escrito a procuração legal necessária, ou que, enquanto não se acredite devidamente a procuração, o procurador preste fiança ou caução à discreção do tribunal ou da autoridade administrativa que tomar conhecimento do negócio, para se responsabilizar pelas custas ou prejuízos que a atuação possa causar.

ARTIGO IX

Nos casos de procurações passadas em qualquer país da União Pan-Americana, de conformidade com as supra-citadas disposições, para serem executadas em qualquer dos outros países da mesma União, os notários, devidamente constituídos como tais de conformidade com as leis do respectivo país, ter-se-ão por capacitados para exercer funções e atribuições equivalentes às conferidas aos notários pelas leis de (nome do país), sem prejuízo, no entanto, da necessidade de protocolizar o instrumento nos casos a que se refere o artigo VII.

ARTIGO X

O que fica dito nos artigos anteriores a respeito dos notários, aplica-se igualmente às autoridades e funcionários que exerçam funções notariais conforme a legislação dos seus respectivos países.

ARTIGO XI

O original do presente Protocolo, em português, espanhol, inglês e francês, com a data de hoje, será depositado na União Pan-Americana e ficará aberto à assinatura dos Estados membros da União Pan-Americana.

ARTIGO XII

O presente Protocolo entrará em vigor, relativamente a cada Alta Parte Contratante, na data de sua assinatura pela dita Parte Contratante. Ficará aberto à assinatura de qualquer Estado e permanecerá em vigor indefinidamente, podendo, porém, qualquer das Partes terminar as suas próprias obrigações constantes do presente Protocolo três meses após ter notificado à União Pan-Americana essa intenção.

Não obstante as estipulações do parágrafo anterior, qualquer Estado que assim o desejar, poderá assinar AD REFERENDUM o presente Protocolo, que nêsse caso não entrará em vigor relativamente ao dito Estado senão depois do depósito do instrumento de ratificação conforme o seu procedimento constitucional.

ARTIGO XIII

Qualquer Estado que desejar aderir com algumas modificações aos princípios enunciados nêste Protocolo, poderá declarar antes de sua assinatura a forma em que terá aplicação.

EM FÉ DO QUE, os Plenipotenciários abaixo-assinados, depois de ter depositado os seus plenos poderes, que foram encontrados em boa e devida forma, firmam o presente Protocolo, em nome dos seus respectivos Governos, e nele apõem os seus selos nas datas indicadas junto às suas assinaturas.

RESERVAS OU DECLARAÇÕES FEITAS AO ASSINAR-SE O PROTOCOLO

BOLÍVIA

"O Plenipotenciário da Bolívia firma o presente Protocolo com o seguinte esclarecimento do Artigo I, parágrafo 2:

"Para a correta aplicação do Artigo I, parágrafo 2 do Protocolo sobre Uniformidade do Regime Legal das Procurações, no território da República da Bolívia, é necessário que o notário ou funcionário encarregado da autenticação de documentos introduza na procuração, substabelecida por delegação ou substituição, o texto integral da procuração original, bem como de todos os documentos que provem a personalidade jurídica do outorgante."

COLÔMBIA

"O Plenipotenciário da Colômbia firma ad referendum do Congresso Nacional o Protocolo sobre o Regime Legal das Procurações, fazendo a reserva de que a legislação colombiana, consignada no Artigo 2590 do Código Civil, estabelece que os notários são responsáveis unicamente pela parte formal, mas não pela substancial dos atos e contratos que autorizam."

MÉXICO

"O Govêrno dos Estados Unidos Mexicanos, ao aceitar as disposições do Artigo IV, faz a declaração expressa de que os estrangeiros, os quais para o exercício de determinados atos forem obrigados a fazer, perante as autoridades, a declaração ou a renúncia a que se refere no ponto I do Artigo 27 da Constituição Política dos Estados Unidos Mexicanos, deverão outorgar procuração especial, determinando-se explicitamente, em uma das cláusulas, a declaração e a renúncia citadas. O ponto I do Artigo 27 da Constituição reza o seguinte: Unicamente os mexicanos por nascimento ou naturalização e as sociedades mexicanas têm direito de adquirir o domínio de terras, águas e suas acessões ou de obter concessões para a exploração de minas, águas ou combustíveis minerais na República Mexicana. O Estado poderá conceder igual direito aos estrangeiros sempre que aceitem, ante a Secretaria das Relações Exteriores, ser considerados nacionais relativamente aos ditos bens, e não invocar em tudo que se refira a êsse assunto, a proteção de seus

governos; sob pena de, se faltarem ao seu compromisso, perder em favor da nação os bens adquiridos por força dessa declaração. Os estrangeiros não poderão, em caso algum, adquirir domínio direto sobre terras e águas situadas em uma faixa de cem quilômetros ao longo das fronteiras e cinquenta das praias."

VENEZUELA

O Representante da Venezuela firma o presente Protocolo com a seguinte modificação do parágrafo 1 do Artigo I:

"1. Se a procuração for outorgada em seu próprio nome por uma pessoa natural, o funcionário que autorizar o ato (notário, registrador, escrivão, juiz, ou qualquer outro a quem a lei do respectivo país atribuir essa função) dará fé de que conhece o outorgante e de que este tem capacidade legal para a outorga, segundo os documentos exibidos."

RESERVAS OU DECLARAÇÕES FEITAS AO RATIFICAR-SE O PROTOCOLO

COLÔMBIA

Com a reserva formulada ao firmar o Protocolo.

EL SALVADOR

(O instrumento de ratificação, depositado na União Pan-Americana pelo Governo de El Salvador, e datado de 6 de fevereiro de 1941, contém as seguintes reservas modificativas:

"(a) Para a aplicação, em El Salvador, do Artigo IX, entender-se-à ser o mesmo redigido como segue:

"Artigo IX. A procuração outorgada em qualquer dos países da União Pan-Americana, de acordo com as disposições antecedentes e na conformidade das leis do país de origem, para serem exercidas em qualquer país da União deverão ser tidas por outorgadas ante notário competente do país em que serão exercidas, sem prejuízo, todavia, da necessidade do registro do instrumento nos casos a que se refere o Artigo VII.

"(b) Faz-se ao Artigo VIII reserva no sentido de que não poderá ser admitida qualquer gestão oficiosa por parte do pleiteante, como autor ou réu, nos assuntos judiciais ou administrativos para os quais as leis salvadorenses requeiram que a procuração seja outorgada com poderes especiais.")

MÉXICO

Com a reserva formulada ao firmar o Protocolo.

VENEZUELA

Com a reserva formulada ao firmar o Protocolo.

* * *

| <u>PAÍSES SIGNATÁRIOS</u> | <u>DATA DA ASSINATURA</u> | <u>DATA DO DEPÓSITO DO INSTRUMENTO DE RATIFICAÇÃO</u> |
|-------------------------------|-------------------------------|---|
| Bolívia ¹ | 26 de setembro de 1940 | |
| Brasil ² | 6 de setembro de 1940 | |
| Colômbia ¹ | 25 de maio de 1940 | 10 de junho de 1943 ¹ |
| El Salvador | 21 de maio de 1940 | 6 de fevereiro de 1941 ¹ |
| Estados Unidos | 3 de outubro de 1941 | 16 de abril de 1942 |
| México ¹ | 15 de dezembro de 1951 | 24 de junho de 1953 ¹ |
| Nicarágua | 27 de maio de 1940 | |
| Panamá | 10 de abril de 1940 | |
| Venezuela ¹ | 20 de fevereiro de 1940 | 3 de novembro de 1941 ¹ |

1. Com reservas.

2. O Brasil não assinou ad referendum, havendo o Protocolo entrado em vigor, relativamente a êsse país, na data da assinatura.

O instrumento original está depositado na União Pan-Americana, a qual, outrossim, é a depositária dos instrumentos de ratificação. De acôrdo com o Artigo XII, o Protocolo entra em vigor, relativamente a cada uma das Altas Partes Contratantes, na data em que fôr firmado pela mesma; mas quando a assinatura fôr ad referendum, não entrará em vigor, relativamente ao Estado de que se trate, senão depois de depositado o respectivo instrumento de ratificação. Registrado na Nações Unidas a 3 de março de 1953 (Reg. No. 487, Vol. 161).

**PROTOCOLE SUR L'UNIFORMITE DES PROCURATIONS
DESTINEES A ETRE EMPLOYEES A L'EXTERIEUR**

Ouvert à la signature à l'Union Panaméricaine
le 17 février 1940

La Septième Conférence internationale des Etats Américains a approuvé le voeu suivant (N° XLVIII):

"La Septième Conférence internationale des Etats Américains exprime le voeu:

1. Que le Conseil Directeur de l'Union Panaméricaine désigne une Commission de cinq Experts chargée de rédiger un projet de texte pour la simplification et l'uniformisation des procurations et du statut juridique des sociétés étrangères, au cas où cette uniformisation serait possible. Dans le cas contraire, la Commission d'Experts devra proposer la méthode la plus propre à réduire au minimum le nombre des législations différant entre elles ainsi que les réserves susceptibles d'être faites aux conventions sur ces sujets.

2. La Commission fera son rapport en 1934, et ce rapport sera transmis au Conseil Directeur de l'Union Panaméricaine, afin que celui-ci puisse, aux fins indiquées ci-dessus, le soumettre à l'examen de tous les Etats membres de l'Union Panaméricaine."

La Commission d'Experts désignée par le Conseil Directeur de l'Union Panaméricaine conformément au voeu reproduit ci-dessus a préparé un projet de législation uniforme pour régir les procurations destinées à être employées à l'extérieur. Ce projet a été soumis par le Conseil Directeur aux Etats membres de l'Union Panaméricaine, et, par la suite, fut modifié d'après les observations desdits Etats.

Les Gouvernements d'un certain nombre de Républiques américaines ont fait savoir qu'ils étaient disposés à accepter les principes contenus dans le projet en question et à leur donner une expression conventionnelle dans les termes suivants:

ARTICLE I

Les procurations accordées dans les pays membres de l'Union Panaméricaine et destinées à être employées dans un pays étranger doivent se conformer aux règles suivantes:

1. Si la procuration est accordée soit par une personne naturelle, soit au nom de celle-ci, le fonctionnaire qui l'atteste (notaire, fonctionnaire de l'enregistrement, greffier, juge ou autre personne à qui la loi du pays attribue les fonctions en question) fait foi de ce qu'il connaît lui-même le mandant, et que celui-ci possède la capacité légale nécessaire à l'exécution de cet acte.
2. Si la procuration est accordée au nom d'un tiers, si elle est déléguée, ou s'il y a substitution par le mandataire, le fonctionnaire attestant, après avoir fait foi des conditions mentionnées à l'alinéa précédent relativement au mandataire qui exécute la procuration, ou opère la délégation ou la substitution, devra également faire foi de ce que celui-ci a bien un mandat de la personne au nom de laquelle il agit et que ce mandat est légitime d'après les documents authentiques à cette fin présentés audit fonctionnaire, lequel fera une mention expresse de ces documents, en en donnant les dates, l'origine ou la provenance.
3. Si la procuration est exécutée au nom d'une personne juridique, le fonctionnaire, après avoir attesté conformément aux dispositions des alinéas précédents, fait foi, relativement à la personne juridique au nom de laquelle la procuration est exécutée, de la constitution régulière de celle-ci, de son siège social, de son existence juridique actuelle et du fait que les actes pour lesquels le mandat est accordé sont compris parmi les fins ou les activités pour lesquelles ladite personne juridique est autorisée. Ces déclarations sont appuyées par les documents présentés à cet effet au fonctionnaire, tels que l'acte de constitution, les statuts, les décisions du conseil des directeurs ou de l'organisme directeur, ou tous autres documents juridiques propres à établir l'autorité conférée. Le fonctionnaire attestant fait une mention expresse de ces documents, en en donnant les dates et l'origine.

ARTICLE II

L'attestation faite par le fonctionnaire en conformité des dispositions de l'article précédent ne peut être attaquée qu'au moyen de preuves au contraire fournies par la personne désirant en contester l'exactitude.

Il n'est pas nécessaire, dans ce but, d'alléguer la fausseté du document si l'objection n'est fondée que sur l'inexactitude de l'interprétation juridique faite par le fonctionnaire dans son attestation.

ARTICLE III

Le mandataire n'est pas tenu de signifier dans la procuration qu'il accepte le mandat; l'exercice par le mandataire des pouvoirs accordés par la procuration constitue la preuve irréfutable de cette acceptation.

ARTICLE IV

Les procurations destinées spécialement à autoriser des actes de propriétaire, et accordées dans les pays membres de l'Union Panaméricaine doivent indiquer d'une manière précise l'étendue des pouvoirs conférés, de façon à permettre au mandataire d'exercer tous les droits nécessaires à l'exercice des pouvoirs requis, relativement aux biens ainsi qu'aux recours à exercer auprès des tribunaux et des autorités administratives pour la protection desdits biens.

Les procurations générales pour l'administration des biens, à condition qu'elles soient accordées expressément dans cette forme générale, suffisent pour donner au mandataire tous les pouvoirs nécessaires à la consommation de tous genres d'actes d'administration, y compris la poursuite ou la défense devant les tribunaux, et les procédures administratives ou judiciaires relatives à l'administration des biens en question.

Les procurations générales autorisant le mandataire à agir en justice, à opérer des encaissements ou à intervenir dans les procédures administratives ou judiciaires sont considérées comme ayant été accordées sans réserves et sans restrictions, pourvu qu'elles soient rédigées de manière à indiquer qu'elles confèrent tous les pouvoirs généraux, et tous les pouvoirs spéciaux qui, en vertu de la législation applicable, demandent une clause spéciale.

Les dispositions du présent article constituent une règle spéciale qui doit l'emporter sur toute règle générale au contraire que pourra établir la législation du pays en question.

ARTICLE V

Les procurations accordées dans un des pays membres de l'Union Panaméricaine et exécutées en conformité des règles du présent Protocole sont reconnues comme valides à condition qu'elles soient légalisées suivant les règles spéciales applicables à la légalisation.

ARTICLE VI

Les procurations accordées dans un pays étranger et rédigées dans une langue étrangère peuvent être traduites dans la langue du pays où elles doivent servir, et cette traduction peut faire partie des procurations en question. Dans ce cas, la traduction autorisée par le mandat est considérée comme étant exacte dans tous ses détails. La procuration peut également être traduite dans le pays où elle est destinée à être employée, sous réserve des usages du lieu et des lois applicables du pays en question.

ARTICLE VII

Les procurations accordées dans un pays étranger ne sont pas tenues, comme condition préalable à leur utilisation, d'être enregistrées ou dressées suivant protocole dans certains bureaux déterminés. Toutefois, cette règle ne s'applique pas dans le cas où la loi prescrit comme formalité spéciale que de tels actes soient, dans certains cas, dressés suivant protocole.

ARTICLE VIII

Toute personne qui, suivant la loi applicable, peut intervenir ou se constituer partie dans une procédure judiciaire ou administrative pour la défense de ses intérêts, peut se faire représenter par un gérant, à condition que ce gérant fournisse la preuve légale écrite de son mandat, ou que, en attendant que son autorité soit dûment établie, il fournisse une garantie ou une caution, à la discrétion du tribunal compétent ou de l'autorité administrative compétente, pour répondre des frais ou dommages que pourrait occasionner son action.

ARTICLE IX

Pour les procurations dressées dans un des pays membres de l'Union Panaméricaine conformément aux dispositions qui précèdent, et destinées à être employées dans un autre pays membre de l'Union Panaméricaine, tout notaire dûment autorisé à cet effet par la loi de son propre pays est considéré comme possédant l'autorité nécessaire pour exercer les fonctions et pouvoirs correspondants à ceux accordés aux notaires par les lois et règlements de (nom du pays), sans préjudice de l'obligation de dresser cet acte suivant protocole dans les cas visés à l'article VII.

ARTICLE X

Les dispositions des articles précédents relatives aux notaires s'appliquent également aux autorités et aux fonctionnaires qui, en vertu des lois de leurs pays respectifs, exercent les fonctions de notaire.

ARTICLE XI

L'original du présent Protocole, rédigé en espagnol, en portugais, en anglais et en français, et portant la date d'aujourd'hui, sera déposé dans les archives de l'Union Panaméricaine, et ouvert à la signature des Etats membres de l'Union Panaméricaine.

ARTICLE XII

Le présent Protocole entrera en vigueur pour chaque Haute Partie Contractante, à la date de la signature de ladite Partie. Il restera ouvert à la signature de tous les Etats membres de l'Union Panaméricaine, et demeurera en vigueur indéfiniment. Toute Partie pourra, cependant, mettre fin à son engagement relativement à ce Protocole trois mois après avoir notifié son intention à cet effet à l'Union Panaméricaine.

Nonobstant les dispositions de l'alinéa précédent, tout Etat aura la faculté de signer le présent Protocole AD REFERENDUM; et dans ce cas le Protocole n'entrera en vigueur, vis-à-vis de cet Etat, qu'après le dépôt de l'instrument de ratification, fait conformément à sa procédure constitutionnelle.

ARTICLE XIII

Tout Etat désirant approuver le présent Protocole avec modifications pourra indiquer, lors de sa signature, la forme dans laquelle cet acte devra s'appliquer dans son territoire.

EN FOI DE QUOI les soussignés plénipotentiaires, ayant déposé leurs pleins pouvoirs, lesquels ont été trouvés en bonne et due forme, ont signé le présent Protocole au nom de leurs Gouvernements respectifs, et ont apposé leurs sceaux à la date figurant en regard de leur signatures.

RESERVES OU DECLARATIONS FAITES AU MOMENT DE LA SIGNATURE DU PROTOCOLE

BOLIVIE

"Le Plénipotentiaire de la Bolivie signe le présent Protocole en précisant ce qui suit au sujet du deuxième paragraphe de l'article I :

"Pour l'application correcte dans la République de Bolivie du deuxième paragraphe de l'article I du Protocole sur l'uniformité des procurations destinées à être employées à l'extérieur, il importe que le notaire ou le fonctionnaire chargé d'authentifier les documents reproduise dans chaque procuration accordée par délégation ou subrogation le texte intégral de la procuration originale, ainsi que celui de tous documents attestant la capacité légale du mandant. "

COLOMBIE

"Le Plénipotentiaire de la Colombie signe, sous réserve de l'approbation du Congrès national, le Protocole sur l'uniformité des procurations destinées à être employées à l'extérieur, en soulignant que la législation colombienne, en l'occurrence l'article 2590 du Code civil, n'engage les notaires que sur la forme des actes et contrats passés devant eux et non sur le fond. "

MEXIQUE

"Le Gouvernement des Etats-Unis du Mexique, en acceptant les dispositions de l'article IV, fait la déclaration expresse que les étrangers qui, pour être habiles à faire certains actes, sont tenus de prendre devant les Autorités l'engagement ou la renonciation dont il est question dans la première partie de l'article 27 de la Constitution des Etats-Unis du Mexique, devront donner une Procuration spéciale, dans laquelle il sera dûment fait état de l'engagement ou de la renonciation visés. La première partie de l'article 27 de la Constitution stipule ce qui suit: "Seuls les Mexicains de naissance ou par naturalisation et les sociétés mexicaines ont le droit en République mexicaine, d'acquérir des terres, eaux et leurs accessoires ou d'obtenir des concessions pour l'exploitation de mines, d'eaux ou de combustibles minéraux. L'Etat pourra concéder ce droit aux étrangers, sous la condition qu'ils conviennent, devant le Secrétariat des Relations Extérieures, d'être traités comme les nationaux à l'égard desdits biens et de renoncer, en conséquence, à la protection de leurs gouvernements en ce qui a trait à ces biens, sous peine,

en cas de violation de cet engagement, de perdre au profit de la nation les biens acquis grâce à lui. En aucun cas, ne pourra un étranger devenir propriétaire direct de terres ou d'eaux situées dans un secteur de cent kilomètres des frontières ni de cinquante kilomètres du littoral."

VENEZUELA

Le Représentant du Venezuela signe le présent Protocole avec la modification suivante au premier paragraphe de l'article I:

"1 - Si la procuration est accordée soit par une personne naturelle, soit au nom de celle-ci, le fonctionnaire qui l'atteste (notaire, fonctionnaire de l'enregistrement, greffier, juge ou autre personne à qui la loi du pays attribue les fonctions en question) fait foi de ce qu'il connaît lui-même le mandant, et que celui-ci, d'après les documents produits par lui, possède la capacité légale nécessaire à l'exécution de cet acte."

RESERVES OU DECLARATIONS FAITES AU MOMENT DE LA RATIFICATION DU PROTOCOLE

COLOMBIE

Avec la réserve formulée au moment de la signature du Protocole.

MEXIQUE

Avec la réserve formulée au moment de la signature du Protocole.

SALVADOR

(L'instrument de ratification déposé auprès de l'Union Panaméricaine par le Gouvernement du Salvador en date du 6 février 1941 contient les réserves modificatives suivantes:

"(a) Pour son application au Salvador, l'article IX sera censé être rédigé comme suit:

Article IX. Les procurations accordées dans un pays membre de l'Union Panaméricaine conformément aux dispositions qui précèdent, et en vertu des lois du pays dont elles émanent, pour être employées dans un autre pays membre de l'Union, seront considérées comme avoir été données devant un notaire compétent du pays où elles doivent être exercées, sans préjudice toutefois de l'obligation de dresser l'acte suivant protocole dans les cas visés à l'article VII.

"(b) La réserve portant sur l'article VIII précise l'irrecevabilité de la représentation officieuse, à titre de demandeur ou de défendeur, dans les affaires judiciaires ou administratives pour lesquelles les lois salvadorègnes prescrivent le mandat par procuration spéciale.")

VENEZUELA

Avec la réserve formulée au moment de la signature du Protocole.

* * *

| <u>PAYS SIGNATAIRES</u> | <u>DATE DE LA SIGNATURE</u> | <u>DATE DU DÉPÔT DE L'INSTRUMENT DE RATIFICATION</u> |
|-----------------------------|---------------------------------|--|
| Bolivie ¹ | 26 septembre 1940 | |
| Brésil ² | 6 septembre 1940 | |
| Colombie ¹ | 25 mai 1940 | 10 juin 1943 ¹ |
| Etats-Unis | 3 octobre 1941 | 16 avril 1942 |
| Mexique ¹ | 15 décembre 1951 | 24 juin 1953 ¹ |
| Nicaragua | 27 mai 1940 | |
| Panama | 10 avril 1940 | |
| Salvador | 21 mai 1940 | 6 février 1941 ¹ |
| Venezuela | 20 février 1940 | 3 novembre 1941 ¹ |

1. Avec réserves.

2. Le Brésil n'a pas signé ad referendum; en conséquence, le Protocole est entré en vigueur pour ce pays à la date de la signature, conformément à ce qui est prévu dans l'instrument même.

L'instrument original est tenu à l'Union Panaméricaine, dépositaire des instruments de ratification. Aux termes de l'article XII, le Protocole entrera en vigueur pour chaque Haute Partie Contractante, à la date de la signature de ladite Partie, sauf si elle signe ad referendum, et dans ce cas le Protocole n'entrera en vigueur qu'après le dépôt de l'instrument de ratification. Enregistré aux Nations Unies, le 3 mars 1953 (No 487, Vol. 161).

SERIE SOBRE TRATADOS No. 28

OEА DOCUMENTOS OFICIALES OEA/Ser.A/53a (SEPF)

**TRATADO SOBRE
LA PROTECCION DE MUEBLES
DE VALOR HISTORICO**

Abierto a la firma el 15 de abril de 1935 en la Unión Panamericana

**TREATY ON THE PROTECTION
OF MOVABLE PROPERTY
OF HISTORIC VALUE**

Opened for signature at the Pan American Union, April 15, 1935

**TRATADO SÔBRE
A PROTEÇÃO DE MÔVEIS
DE VALOR HISTORICO**

Aberto à assinatura em 15 de abril de 1935 na União Pan-Americana

**TRAITÉ SUR LA PROTECTION
DES BIENS MEUBLES
DE VALEUR HISTORIQUE**

Ouvert à la signature le 15 avril 1935, à l'Union Panaméricaine

UNION PANAMERICANA
Secretaría General, Organización de los Estados Americanos
Washington, D.C., 1962

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Departamento de Asuntos Jurídicos, Unión Panamericana, Washington, D. C.**

TRATADO SOBRE LA PROTECCION DE MUEBLES DE VALOR HISTORICO

LAS ALTAS PARTES CONTRATANTES, deseosas de procurar a todos los países signatarios el conocimiento, la protección y conservación de los monumentos muebles precolombinos, coloniales y de la época de la emancipación y de la república que existen en cada una de ellas, mediante medidas de cooperación, han resuelto celebrar una convención, y, al efecto, han convenido en los artículos siguientes:

ARTICULO 1. - Para los efectos de este tratado se consideran monumentos muebles:

a) De la época precolombina: las armas de guerra o utensilios de labor, las obras de alfarería, los tejidos, las joyas y amuletos, los grabados, diseños y códices, los quipos, los trajes, los adornos de toda índole, y en general todo objeto mueble que por su naturaleza o su procedencia muestren que provienen de algún inmueble que auténticamente pertenece a aquella época histórica.

b) De la época colonial: las armas de guerra y los utensilios de trabajo, los trajes, las medallas, monedas, amuletos y joyas, los diseños, pinturas, grabados, planos y cartas geográficas, los códices, y todo libro raro por su escasez, forma y contenido, los objetos de orfebrería, de porcelana, marfil, carey y los de encaje, y en general todas las piezas recordatorias que tengan valor histórico o artístico.

c) De la época de la emancipación y la república: los mencionados en el inciso anterior que correspondan a esta época.

d) De todas las épocas: 1) las bibliotecas oficiales y de instituciones, las bibliotecas particulares valiosas tomadas en su conjunto, los archivos nacionales y las colecciones de manuscritos, oficiales y particulares de alta significación histórica; 2) como riqueza mueble natural, los especímenes zoológicos de especies bellas y raras que están amenazadas de exterminación o de desaparición natural y cuya conservación sea necesaria para el estudio de la fauna.

ARTICULO 2.- Para que estos monumentos muebles puedan ser importados a algunas de las repúblicas signatarias, las aduanas exigirán al importador los documentos oficiales que autoricen la exportación de país de origen, cuando ésta sea Parte en este tratado.

ARTICULO 3.- Los países de origen establecerán la necesidad de un permiso ineludible de exportación para todos los monumentos muebles y que sólo concederán en el caso de que queden en el país otros ejemplares iguales o de valor semejante al que trata de exportarse.

ARTICULO 4.- Los Estados Partes en este tratado consideran que los que tienen algunos de los objetos declarados monumentos muebles sólo gozarán de su usufructo que no es transmisible sino dentro del país, y se comprometen a legislar en este sentido.

ARTICULO 5.- Las aduanas del país al que se pretendan importar monumentos muebles procedentes de un Estado signatario sin la autorización necesaria, decomisarán éstos y los devolverán al gobierno del país de donde procedan para la correspondiente sanción por la exportación ilícita.

ARTICULO 6.- Al tener conocimiento cualquiera de los gobiernos signatarios de una exportación ilícita de su propio país, posterior al presente tratado, podrá dirigirse al gobierno del país donde se ha llevado el monumento para que este gobierno proceda a devolverlo al solicitante.

ARTICULO 7.- Los gobiernos signatarios instruirán a sus respectivos representantes diplomáticos para que, en el caso de que adquiriesen, por donación o compra, un monumento mueble, pongan el hecho en conocimiento del Ministerio de Relaciones Exteriores del país donde residen para que éste determine si es o no exportable.

ARTICULO 8.- Los gobiernos signatarios declaran que los monumentos muebles no pueden ser botín de guerra.

ARTICULO 9.- Este tratado no anula ni modifica ningún tratado, convención o acuerdo que exista entre los gobiernos signatarios o entre éstos y estados no signatarios.

ARTICULO 10.- El original del presente convenio, en español, portugués, inglés y francés, con la fecha de hoy, será depositado en la Unión Panamericana y quedará abierto a la firma de cualquiera de los Estados miembros de la Unión Panamericana.

ARTICULO 11.- Los instrumentos de ratificación de este convenio serán transmitidos para su depósito a la Unión Panamericana, la cual notificará el hecho del depósito a los signatarios.

ARTICULO 12.- Este convenio entrará en vigor entre los Estados que ratifiquen desde la fecha del depósito de los instrumentos de ratificación.

ARTICULO 13.- El presente convenio permanecerá en vigor indefinidamente, pero cualquiera de las Partes puede denunciarlo y la denuncia terminará sus obligaciones conforme al convenio, después de tres meses de la notificación de la denuncia a la Unión Panamericana.

EN FE DE LO CUAL, los infrascritos Plenipotenciarios, después de haber depositado sus plenos poderes, que se han encontrado en buena y debida forma, firman y sellan este convenio en nombre de sus respectivos gobiernos en las fechas indicadas junto a sus firmas.

RESERVA HECHA AL MOMENTO DE LA FIRMA

El Gobierno de Chile no se considera ligado por las disposiciones del Artículo 4, ya que no están éstas conformes con la Constitución Política de la República.

**TREATY ON THE PROTECTION OF MOVABLE PROPERTY
OF HISTORIC VALUE**

The High Contracting Parties, desirous of securing, by means of cooperation, for all the Signatory States the knowledge, protection, and preservation of movable monuments of the pre-Columbian and Colonial periods and of the epoch of emancipation and the republic, which exist in each of them have resolved to celebrate a convention, and to this end have agreed on the following articles:

ARTICLE 1. - For the purpose of this Treaty, the following shall be considered as movable monuments:

a) Of the pre-Columbian period: arms of war and implements of labor, pottery, woven fabrics, jewels and amulets, engravings, drawings and codices, quipus, costumes, adornments of all sorts, and in general all movable objects which by their nature or origin show that they are separated from some immovable monument which belongs authentically to that period of history.

b) Of the Colonial period: arms of war and implements of labor, costumes, medals, coins, amulets and jewels, drawings, paintings, plans and geographical charts, codices, and rare books, objects of gold and silver, porcelain, ivory, tortoise-shell, and lace, and, in general association articles having historic or artistic value.

c) Of the period of emancipation and the republic: objects included in the above paragraph which belong to this period.

d) Of all periods: 1) Official and institutional libraries, private libraries valuable as a whole, national archives and collections of manuscripts, both official and private, having a high historic significance; 2) as natural movable wealth, zoological specimens of beautiful and rare species threatened with extermination or natural extinction and whose preservation may be necessary to the study of the fauna.

ARTICLE 2. - In order that these movable monuments may be imported into any of the signatory countries, custom houses shall require from the importer the official documents authorizing exportation from the country of origin, when his country is a party to this treaty.

ARTICLE 3. - The countries of origin shall so arrange that an obligatory permit will be necessary for the exportation of any movable monument, which permit shall be granted only in case other identical specimens or those having a value similar to the one to be exported are still in the country.

ARTICLE 4. The signatory countries understand that those who have objects declared to be movable monuments, can only enjoy the usufruct, which is transferable only within the same country, and they undertake to legislate to that effect.

ARTICLE 5. - The custom houses of the country into which the importation of movable monuments from a signatory country is attempted without the necessary authorization shall confiscate them and return them to the Government of the country of origin for the appropriate penalty for illegal exportation.

ARTICLE 6. - When any Signatory Government receives knowledge of an illicit exportation from its own country subsequent to the present Treaty, it may address itself to the Government of the country to which the monument has been taken in order that the latter may proceed to return it to the applicant.

ARTICLE 7. - The Signatory Governments shall instruct their respective diplomatic representatives to the effect that, in case they acquire, by donation or purchase, any movable monument, they shall make the fact known to the Ministry of Foreign Affairs of the country in which they reside to the end that the latter may determine whether or not it is exportable.

ARTICLE 8. - The Signatory Governments declare that movable monuments may not be treated as spoils of war.

ARTICLE 9. - This Treaty does not annul or modify any treaty, convention or agreement which may exist between signatory governments or between them and other States not signatories.

ARTICLE 10. - The original of the present Convention, in Spanish, Portuguese, English, and French, under the present date shall be deposited in the Pan American Union and opened to the signature of any of the States members of the Pan American Union.

ARTICLE 11. - The instruments of ratification of this Convention shall be sent for deposit to the Pan American Union, which shall notify the other signatories of the deposit.

ARTICLE 12. - The Convention shall go into effect between the States which have ratified it from the date of the deposit of the instruments of ratification.

ARTICLE 13. - The present Convention shall remain in force indefinitely, but any of the contracting parties may denounce it and the denunciation shall end its obligations under the Convention after three months from the date that the Pan American Union has been notified of the denunciation.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, after having deposited their full powers found to be in due and proper form, sign this treaty on behalf of their respective governments, and affix thereto their seals, on the dates appearing opposite their signatures.

RESERVATION MADE AT THE TIME OF SIGNING

The Government of Chile does not consider itself bound by the provisions of Article 4, inasmuch as they are not in conformity with the Constitution of the Republic.

TRATADO SÔBRE A PROTEÇÃO DE MÓVEIS DE VALOR HISTÓRICO

As Altas Partes Contratantes, desejosas de obter para todos os países signatários o conhecimento, a proteção e conservação dos monumentos móveis pré-colombianos, coloniais e da época da emancipação e da república que existem em cada um dêles, mediante medidas de cooperação, resolveram celebrar uma convenção, e, para êsse fim, convieram nos artigos seguintes:

ARTIGO 1. Para os efeitos dêste Tratado consideram-se monumentos móveis:

a) Da época pré-colombiana: as armas de guerra ou utensílios do trabalho, as obras de olaria, os tecidos, as joias e amuletos, as gravuras, desenhos e códices, os quipos, os trajes, os adornos de tãda espécie, e em geral todo objeto móvel que por sua natureza ou sua procedência mostre que provém de algum imóvel que autênticamente pertence àquela época histórica.

b) Da época colonial: as armas de guerra e os utensílios de trabalho, os trajes, as medalhas, moedas, amuletos e joias, os desenhos, pinturas, gravuras, planos e cartas geográficas, os códices, e todo livro raro por sua escassez, forma e conteúdo, os objetos de ourivesaria, de porcelana, de marfim, de tartaruga e os de marchetaria, e em geral tãdas as peças recordatórias que tenham valor histórico ou artístico.

c) Da época da emancipação e da república: os mencionados na alínea anterior que correspondam a esta época.

d) De tãdas as épocas: 1. as bibliotecas oficiais e de instituições, as bibliotecas particulares valiosas tomadas em seu conjunto, os arquivos nacionais e as coleções de manuscritos, oficiais e particulares de alta significação histórica; 2. como riqueza móvel natural, os especimens zoológicos de espécies belas e raras que estejam ameaçadas de exterminação ou de desaparecimento natural e cuja conservação seja necessária para o estudo da fauna.

ARTIGO 2. Para que êstes monumentos móveis possam ser importados em alguma das repúblicas signatárias, as alfândegas exigirão ao importador os documentos oficiais que autorizem a exportação para fora do país de origem, quando êste seja Parte neste Tratado.

ARTIGO 3. Os países de origem estabelecerão a necessidade de uma licença ineludível de exportação para todos os monumentos móveis e que só concederão no caso de que fiquem no país outros exemplares iguais ou de valor semelhante ao que se pretenda exportar.

ARTIGO 4. Os Estados Partes dêste Tratado consideram que os que têm alguns dos objetos declarados monumentos móveis só gozarão do seu usufruto, que não é transmissível senão dentro do país, e comprometem-se a legislar sôbre êste assunto.

ARTIGO 5. As alfândegas do país em que se pretendam importar monumentos móveis procedentes de um Estado signatário sem a autorização necessária, confiscá-los-ão, devolvendo-os ao Govêrno do país de onde procedam para aplicação da pena correspondente pela exportação ilícita.

ARTIGO 6. Ao ter, qualquer dos Governos signatários, conhecimento de uma exportação ilícita para fora do próprio país, posterior ao presente Tratado, poderá dirigir-se ao Govêrno do país para onde tenha sido levado o monumento, para que êste Govêrno proceda a devolvê-lo ao solicitante.

ARTIGO 7. Os Governos signatários instruirão aos seus respectivos representantes diplomáticos para que, no caso de adquirirem, por doação ou compra, um monumento móvel, levem o fato ao conhecimento do Ministério das Relações Exteriores do país onde residirem, para que êste determine se é ou não exportável.

ARTIGO 8. Os Governos signatários declaram que os monumentos móveis não podem ser despôjo de guerra.

ARTIGO 9. Êste Tratado não anula nem modifica nenhum Tratado, Convenção ou Acôrdo que exista entre os Governos signatários ou entre êstes e Estados não signatários.

ARTIGO 10. O original do presente convênio, em português, espanhol, inglês e francês, com a data de hoje, será depositado na União Pan-Americana e ficará aberto à assinatura de qualquer dos Estados membros da União Pan-Americana.

ARTIGO 11. Os instrumentos de ratificação dêste convênio serão transmitidos, para seu depósito, à União Pan-Americana, a qual notificará o fato do depósito aos signatários.

ARTIGO 12. Êste convenio entrará em vigor, entre os Estados que o ratifiquem, desde a data do depósito dos instrumentos de ratificação.

ARTIGO 13. O presente convênio permanecerá em vigor indefinidamente, porém qualquer das partes pode denunciá-lo e a denúncia terminará as suas obrigações conforme o convênio, depois de três meses da notificação da denúncia à União Pan-Americana.

EM FÉ DO QUE, os Plenipotenciários abaixo-assinados, depois de ter depositado os seus plenos poderes, que foram encontrados em boa e devida forma, firmam o presente convênio em nome dos seus respectivos Governos e apõem ao mesmo os seus selos, nas datas que aparecem em lugar oposto às suas assinaturas.

RESERVA FEITA NA ASSINATURA

O Govêrno do Chile não se considera obrigado pelos dispositivos do Artigo 4º, por não estarem de acôrdo com a Constituição Polítca da República.

TRAITÉ SUR LA PROTECTION DES BIENS MEUBLES DE VALEUR HISTORIQUE

Les Hautes Parties contractantes, désireuses d'obtenir, par le moyen de la coopération, au profit de tous les États signataires, la connaissance, la protection et la préservation des monuments meubles existant sur le territoire de chacune d'Elles et se rapportant aux périodes précolombienne et coloniale ainsi qu'à l'époque de l'émancipation et de la république, ont décidé de conclure une Convention, et, à cet effet, ont arrêté les dispositions suivantes:

ARTICLE 1. - Pour les fins du présent traité, seront considérés comme monuments meubles les monuments:

a) de l'époque précolombienne: armes de guerre et instruments de travail, poterie, étoffes tissées, bijoux et amulettes, gravures, dessins et manuscrits anciens, quipus, costumes, ornements de toutes sortes, et, en général, tout objet meuble témoignant, par sa nature ou son origine, qu'il a été enlevé d'un monument immeuble appartenant de manière authentique à cette époque.

b) de l'époque coloniale: armes de guerre et instruments de travail, costumes, médailles, monnaies, amulettes et bijoux, dessins, peintures, plans et cartes géographiques, manuscrits anciens et livres rares, objets d'or et d'argent, porcelaines, ivoires, écailles et dentelles, et en général, les articles ayant une valeur historique ou artistique.

c) de la période de l'émancipation et de la république: objets visés à cette période.

d) de toutes les périodes: 1) bibliothèques officielles ou d'institutions, bibliothèques privées possédant de la valeur dans leur ensemble, archives nationales et collections de manuscrits soit officielles, soit privées, ayant une haute portée historique; 2) richesses naturelles meubles, spécimens zoologiques d'espèces belles et rares qui sont menacées d'extermination ou d'extinction naturelle et dont la préservation pourrait être nécessaire en vue de l'étude de la faune.

ARTICLE 2. - Afin que ces monuments puissent être importés dans un des pays signataires quelconque, les douanes exigeront de l'importateur des documents officiels autorisant l'exportation du pays d'origine, lorsque ce pays sera Partie au présent traité.

ARTICLE 3. - Les pays d'origine feront le nécessaire pour que l'exportation de tout monument meuble soit soumise à la possession d'un permis obligatoire, lequel ne sera accordé que s'il reste, dans le pays, d'autres spécimens semblables à celui que l'on désire exporter ou ayant une valeur analogue à celle de ce dernier.

ARTICLE 4. - Il est entendu entre les pays signataires que les personnes ayant des objets déclarés monuments meubles n'en peuvent avoir que l'usufruit, lequel ne pourra être cédé qu'à l'intérieur de ce même pays; lesdits pays s'engagent à créer la législation nécessaire à ces fins.

ARTICLE 5. - Les douanes du pays dans lequel on tentera, sans l'autorisation requise, d'importer des monuments meubles provenant d'un des pays signataires confisqueront lesdits monuments et les rendront au gouvernement du pays d'origine pour que celui-ci applique les sanctions prévues pour les cas d'exportation illicite.

ARTICLE 6. - Lorsqu'un gouvernement signataire quelconque aura connaissance d'une exportation illicite provenant de son propre territoire, et effectuée après la conclusion du présent traité, il pourra s'adresser au gouvernement du pays où le monument aura été transporté pour que ce dernier puisse prendre les mesures propres à le lui faire rendre.

ARTICLE 7. - Les gouvernements signataires donneront à leurs agents diplomatiques respectifs les instructions nécessaires pour que, au cas où ils viendraient en possession d'un monument meuble quelconque, soit par don, soit par achat, lesdits agents aient à notifier ce fait au ministère des affaires étrangères du pays dans lequel ils ont leur résidence, afin que celui-ci puisse se prononcer sur l'exportabilité du monument.

ARTICLE 8. - Les gouvernements signataires déclarent que les monuments meubles ne peuvent pas être considérés comme butin de guerre.

ARTICLE 9. - Le présent Traité n'abroge et ne modifie aucun autre traité, convention ou accord pouvant exister entre des gouvernements signataires ou entre ceux-ci et des États non signataires.

ARTICLE 10. L'original de la présente Convention, rédigée en français, en espagnol, en portugais et en anglais, sera déposé aujourd'hui même dans les archives de l'Union Panaméricaine où il restera ouvert pour recevoir la signature de tout État adhérent à l'Union Panaméricaine.

ARTICLE 11. Les instruments de ratification de la présente Convention seront envoyés à l'Union Panaméricaine pour y être déposés; ladite Union notifiera ce dépôt aux autres États signataires.

ARTICLE 12. La présente Convention entrera en vigueur, entre les États qui l'auront ratifiée, à la date du dépôt des instruments de ratification.

ARTICLE 13. La présente Convention restera en vigueur pendant un délai indéfini; mais toute Partie contractante pourra la dénoncer, et cette dénonciation mettra fin aux obligations imposées par la Convention trois mois après la date à laquelle l'Union Panaméricaine aura reçu la notification de ladite dénonciation.

EN FOI DE QUOI, les soussignés Plénipotentiaires, après avoir déposé leurs pleins pouvoirs, qui ont été trouvés en bonne et due forme, signent le présent accord au nom de leurs gouvernements respectifs et y apposent leurs sceaux, à la date figurant en regard de leurs signatures.

RESERVE FAITE AU MOMENT DE LA SIGNATURE

Le Gouvernement chilien ne s'estime pas lié par les dispositions de l'Article 4, étant donné qu'elles ne sont pas en harmonie avec la Constitution politique de la République.

**TRATADO SOBRE LA PROTECCION DE MUEBLES
DE VALOR HISTORICO**

Abierto a la firma el 15 de abril de 1935
en la Unión Panamericana

| <u>Países signatarios</u> | <u>Fecha del depósito del instrumento de ratificación</u> |
|-------------------------------|---|
| Colombia ¹ | |
| Chile ² | Octubre 26, 1936 ² |
| Ecuador | |
| El Salvador | Mayo 1, 1936 |
| Guatemala | Julio 17, 1936 |
| México | Mayo 16, 1939 |
| Nicaragua | Junio 28, 1935 |
| Panamá | |
| Uruguay | |

-
1. Adhirió el 22 de enero de 1936.
 2. Con reserva.

El instrumento original está depositado en la Unión Panamericana, la cual es además depositaria de los instrumentos de ratificación. Entró en vigor el 1º. de mayo de 1936, al depositar El Salvador su instrumento de ratificación.

Noviembre 30, 1962

SERIE SOBRE TRATADOS No. 29

OEA DOCUMENTOS OFICIALES OEA/Ser.X/5 (español)

**ACUERDOS BILATERALES DEPOSITADOS
EN LA
UNION PANAMERICANA**

**COSTA RICA - NICARAGUA
HONDURAS - NICARAGUA**

**UNION PANAMERICANA
Secretaría General, Organización de los Estados Americanos
Washington, D.C., 1963**

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**PACTO DE AMISTAD
ENTRE LOS GOBIERNOS DE LAS REPUBLICAS DE
COSTA RICA Y NICARAGUA ***

Suscrito en la Unión Panamericana, Washington, D. C. el 21 de febrero de 1949

Los Gobiernos de las Repúblicas de Costa Rica y Nicaragua, después de haber tomado las medidas indispensables para dar fiel y cabal cumplimiento a todas y cada una de las disposiciones contenidas en la Resolución del Organó Provisional de Consulta aprobada el 24 de diciembre de 1948, cuyo texto de resolución aparece como anexo del presente Pacto de Amistad y que los Gobiernos que lo suscriben acogen en todas sus partes, reiterando su inquebrantable determinación de continuar tomándo todas las medidas necesarias en forma irrestricta para dar cabal y fiel cumplimiento a todas y cada una de las disposiciones y recomendaciones contenidas en la resolución citada; deseando poner fin a la situación creada entre los dos Estados, a la vez que reafirmar solemnemente su voluntad de mantener entre ellos la más estrecha amistad y de fortalecer los vínculos fraternales que han caracterizado históricamente sus relaciones; y teniendo además en consideración el ofrecimiento que les hizo el Consejo de la Organización de los Estados Americanos, actuando como Organó Provisional de Consulta, de sus gestiones para lograr este propósito, han resuelto celebrar el presente Pacto de Amistad en presencia del Presidente y de los otros Miembros del Honorable Consejo. Para este fin, el Excelentísimo señor Presidente del Gobierno de Costa Rica, Don José Figueres, y el Excelentísimo señor Presidente de Nicaragua, Dr. Víctor M. Román y Reyes, han tenido a bien designar los siguientes Plenipotenciarios:

Por la República de Costa Rica: El Excelentísimo Señor Embajador Don Mario A. Esquivel, Representante de Costa Rica en el Consejo de la Organización de los Estados Americanos;

Por la República de Nicaragua: El Excelentísimo Señor Embajador Dr. Guillermo Sevilla Sacasa, Representante de Nicaragua en el Consejo de la Organización de los Estados Americanos;

Quienes, después de exhibidos los respectivos Plenos Poderes, hallados en buena y debida forma, acuerdan suscribir el presente Pacto.

I

Los Gobiernos de Costa Rica y Nicaragua coinciden en afirmar que los hechos que fueron puestos en conocimiento del Consejo de la Organización de los Estados Americanos, constituido en Organó Provisional de Consulta, no deberán quebrantar la fraternal amistad de los dos pueblos, demostrada en su historia común y basada en la solidaridad que vincula a las naciones del Hemisferio.

* Costa Rica depositó su instrumento de ratificación el 20 de junio de 1949 y Nicaragua el 15 de julio de 1949.

II

Los Gobiernos de Costa Rica y Nicaragua se comprometen a prevenir en lo futuro la repetición de hechos de esa naturaleza, mediante la constante aplicación por los dos Gobiernos de medidas efectivas para resguardo de los principios de no intervención y de solidaridad continental, así como para el fiel cumplimiento de los tratados, convenciones y demás instrumentos interamericanos, destinados a asegurar la paz y la buena vecindad.

III

Los Gobiernos de Costa Rica y Nicaragua reconocen la obligación que existe para cada uno de ellos, de acuerdo con el Tratado Interamericano de Asistencia Recíproca de Río de Janeiro y con el Artículo 20 de la Carta de la Organización de los Estados Americanos, de someter las controversias que entre ellos surjan a los métodos de solución pacífica de los conflictos internacionales.

Para cumplir este elevado propósito, ambos Gobiernos convienen en aplicar el Tratado Americano de Soluciones Pacíficas, conocido con el nombre de Pacto de Bogotá, al que dan plena validez, para las controversias entre ellos, aún antes de que dicho Tratado sea formalmente ratificado y de que llegue, en consecuencia, a entrar en pleno vigor entre todas las Repúblicas Americanas.

IV

Los Gobiernos de Costa Rica y Nicaragua convienen asimismo en llegar a un acuerdo entre ellos sobre la mejor manera de llevar a la práctica, en los casos contemplados por la Convención sobre Derechos y Deberes de los Estados en caso de Luchas Civiles, las disposiciones de esa Convención para que ella pueda ser aplicada inmediatamente que surja una situación de este género en la forma prevista por el acuerdo, principalmente respecto a las medidas de control y vigilancia fronteriza, así como cualquier otra medida tendiente a evitar la organización o existencia de cualquier movimiento revolucionario contra el Gobierno de cualquiera de las dos Partes en el territorio de la otra.

V

Los Gobiernos de Costa Rica y Nicaragua reconocen y aplauden la actuación del Consejo de la Organización de los Estados Americanos constituido en Organó Provisional de Consulta, que ha culminado con el presente Pacto que reafirma las fraternales relaciones entre Costa Rica y Nicaragua.

VI

La Unión Panamericana enviará copias certificadas auténticas del original del presente Pacto a los Gobiernos Signatarios, a los demás Gobiernos de los Estados Miembros de la Organización y al Secretario General de las Naciones Unidas.

VII

El Presente Pacto será ratificado y entrará en vigor cuando las ratificaciones sean depositadas en la Unión Panamericana, la cual comunicará cada depósito al otro Estado Signatario. Dicha notificación se considerará como canje de ratificaciones.

EN FE DE LO CUAL, los Plenipotenciarios arriba mencionados firman y sellan el presente Pacto en la Unión Panamericana, en presencia del Presidente y de los otros Miembros del Honorable Consejo de la Organización de los Estados Americanos, en la Ciudad de Washington, D. C., el día 21 de febrero de 1949.

POR COSTA RICA: (F)

Mario A. Esquivel

(SELLO)

POR NICARAGUA: (F)

Guillermo Sevilla Sacasa

(SELLO)

ANEXO

RESOLUCION DEL CONSEJO

DE LA ORGANIZACION DE LOS ESTADOS AMERICANOS,

ACTUANDO COMO ORGANO PROVISIONAL DE CONSULTA,

APROBADA EN LA SESION DEL 24 DE DICIEMBRE DE 1948.

El Consejo de la Organización de los Estados Americanos, actuando como Organó Provisional de Consulta, después de haber examinado cuidadosamente el detallado informe de la Comisión que estuvo en Costa Rica y en Nicaragua con el fin de investigar los hechos y antecedentes de la situación creada entre esas Repúblicas hermanas,

RESUELVE:

I. Solicitar de los Gobiernos de Costa Rica y Nicaragua que, en cumplimiento del Tratado Interamericano de Asistencia Recíproca, le den plenas garantías al Organó Provisional de Consulta de que se abstendrán inmediatamente de todo género de actos hostiles entre ellos.

II. Manifestar respetuosamente al Gobierno de Nicaragua que, a la luz de los datos recogidos por el Comité de Información especialmente designado al efecto, ese Gobierno pudo y debió haber tomado oportunamente las medidas adecuadas con el objeto de impedir: a) el desarrollo, en territorio nicaragüense, de actividades destinadas a derrocar el actual régimen de Costa Rica; y b) la salida del territorio nicaragüense de elementos revolucionarios que cruzaron la frontera y se encuentran hoy prisioneros o luchando contra el Gobierno de Costa Rica.

III. Manifestar respetuosamente al Gobierno de Costa Rica que puede y debe tomar las medidas adecuadas para que no existan en su territorio grupos de nacionales o extranjeros militarmente organizados, con el deliberado propósito de conspirar contra la seguridad de Nicaragua y de otras Repúblicas hermanas y de prepararse a luchar contra sus Gobiernos.

IV. Solicitar muy atentamente a ambos Gobiernos que por todos los medios a su alcance, observen lealmente los principios y normas de no intervención y solidaridad contenidos en los diversos instrumentos interamericanos suscritos por ellos.

V. Continuar en consulta hasta tanto se reciban de los Gobiernos de Costa Rica y de Nicaragua, las claras seguridades de que, como ciertamente están resueltos a hacerlo, se ceñirán estrictamente a tan elevados principios y normas que constituyen la base jurídica de la convivencia americana.

VI. Recomendar a todos los Gobiernos de América que colaboren activamente al mejor cumplimiento de los principios en que se inspira esta Resolución.

VII. Informar a todos los Estados Miembros de la Organización de los pasos tomados en este caso, para su superior conocimiento.

**ACUERDO ENTRE LOS GOBIERNOS
DE LAS REPUBLICAS DE COSTA RICA Y NICARAGUA EN
CUMPLIMIENTO DEL ARTICULO IV DEL PACTO DE AMISTAD,
SUSCRITO EL 21 DE FEBRERO DE 1949***

Suscrito en la Unión Panamericana, Washington, D. C. el 9 de enero de 1956

Los Gobiernos de las Repúblicas de Costa Rica y Nicaragua, reafirmando su deseo de mantener entre ellos la más estrecha amistad como corresponde a dos Pueblos hermanos y vecinos, y de evitar en lo futuro toda diferencia que interfiera con sus fraternales relaciones; deseando dar cumplimiento a lo estipulado en el Artículo IV del Pacto de Amistad de 21 de Febrero de 1949, sobre la mejor manera de llevar a la práctica por medio de un Acuerdo Bilateral las disposiciones de la Convención sobre Deberes y Derechos de los Estados en caso de Luchas Civiles; reconociendo la eficaz labor pacificadora del Consejo de la Organización de los Estados Americanos actuando provisionalmente como Organo de Consulta, que en su Resolución II de 24 de Febrero de 1955 hace un llamamiento a los dos Gobiernos para la suscripción del referido Acuerdo, han resuelto celebrar éste en la presencia del Presidente y los otros Miembros del Honorable Consejo de la Organización de los Estados Americanos. Para este fin, el Excelentísimo Señor Presidente de Costa Rica, Don José Figueres, y el Excelentísimo Señor Presidente de Nicaragua, General Anastasio Somoza, han tenido a bien designar los siguientes Plenipotenciarios:

Por la República de Costa Rica: El Excelentísimo Señor Embajador Licenciado Fernando Fournier, Representante de Costa Rica en el Consejo de la Organización de los Estados Americanos;

Por la República de Nicaragua: El Excelentísimo Señor Embajador Doctor Guillermo Sevilla Sacasa, Representante de Nicaragua en el Consejo de la Organización de los Estados Americanos;

Quienes, después de exhibidos los respectivos Plenos Poderes, hallados en buena y debida forma, convienen en suscribir el presente ACUERDO:

I

Ambas Partes, dentro del espíritu que debe animar a los integrantes de la familia centroamericana de naciones, colaborarán al máximo de sus posibilidades para llevar a cabo aquellas empresas y realizaciones que requieran el esfuerzo común de ambos Estados y sean de beneficio mutuo y en especial para facilitar y expedir el tránsito en la Carretera Interamericana, así como en el Rfo San Juan, dentro de los términos del Tratado de 15 de Abril de 1858 y su interpretación arbitral de 22 de Marzo de 1888, y facilitar también los servicios de transporte que puedan efectuar al territorio de una Parte las empresas que ostentan la nacionalidad de la otra.

* Costa Rica depositó su instrumento de ratificación el 4 de octubre de 1957 y Nicaragua el 25 de mayo de 1960.

II

Ambas Partes organizarán, dentro de sus posibilidades y con el mayor empeño, la vigilancia de su frontera común como medio de evitar que del territorio de una de las Partes puedan introducirse ilegalmente al de la otra, ya sea armas o grupos armados. Las autoridades de ambos Gobiernos, y en especial las fronterizas, se intercambiarán en la forma más amplia posible cualquier información que llegue a su conocimiento y que permita evitar tales hechos.

III

Cada Parte se compromete a tomar las medidas necesarias para evitar que en su territorio se promuevan o lleven a cabo movimientos revolucionarios contra la otra Parte.

Cada Parte se compromete a tomar toda clase de medidas para evitar que cualquier persona, nacional o extranjera, desde algún lugar bajo su jurisdicción, participe o ayude en cualquier empresa subversiva, actos terroristas o atentados contra el Jefe de Estado de la otra Parte, los otros miembros de los Supremos Poderes, las altas autoridades civiles o militares, candidatos a esas posiciones y sus familiares inmediatos, existan o no relaciones entre los dos Gobiernos.

IV

La contribución, suministro o provisión de armas, material de guerra o equipo, el entrenamiento, enlistamiento, organización o transporte de personas, o la obtención o suministro de dinero con los fines antes indicados, además de cualesquiera otros hechos similares, serán considerados como participación para los efectos del Artículo anterior.

V

Ambas Partes convienen en aplicar, en relación con los asilados, los Artículos I, II, III, V, VI, VII, VIII, IX y X de la Convención sobre Asilo Territorial, suscrita en la Décima Conferencia Interamericana, que a la letra dicen:

“Artículo I. Todo Estado tiene derecho, en ejercicio de su soberanía, a admitir dentro de su territorio a las personas que juzgue conveniente, sin que por el ejercicio de este derecho ningún otro Estado pueda hacer reclamo alguno.”

“Artículo II. El respeto que según el Derecho Internacional se debe a la jurisdicción de cada Estado sobre los habitantes de su territorio se debe igualmente, sin ninguna restricción, a la que tiene sobre las personas que ingresan con procedencia de un Estado en donde sean perseguidas por sus creencias, opiniones o filiación política o por actos que puedan ser considerados como delitos políticos.

Cualquier violación de soberanía consistente en actos de un gobierno o de sus agentes contra la vida o la seguridad de una persona, ejecutados en el territorio de otro Estado, no puede considerarse atenuada por el hecho de que la persecución haya empezado fuera de sus fronteras u obedezca a móviles políticos o a razones de Estado.”

“Artículo III. Ningún Estado está obligado a entregar a otro Estado o a expulsar de su territorio a personas perseguidas por motivos o delitos políticos.”

"Artículo V. El hecho de que el ingreso de una persona a la jurisdicción territorial de un Estado se haya realizado subrepticia o irregularmente no afecta las estipulaciones de esta Convención."

"Artículo VI. Sin perjuicio de lo dispuesto en los Artículos siguientes, ningún Estado está obligado a establecer en su legislación o en sus disposiciones o actos administrativos aplicables a extranjeros distinción alguna motivada por el solo hecho de que se trate de asilados o refugiados políticos."

"Artículo VII. La libertad de expresión del pensamiento que el derecho interno reconoce a todos los habitantes de un Estado no puede ser motivo de reclamación por otro Estado basándose en conceptos que contra éste o su gobierno expresen públicamente los asilados o refugiados, salvo el caso de que esos conceptos constituyan propaganda sistemática por medio de la cual se incite al empleo de la fuerza o de la violencia contra el gobierno del Estado reclamante."

"Artículo VIII. Ningún Estado tiene el derecho de pedir a otro Estado que coarte a los asilados o refugiados políticos la libertad de reunión o asociación que la legislación interna de éste reconoce a todos los extranjeros dentro de su territorio, a menos que tales reuniones o asociaciones tengan por objeto promover el empleo de la fuerza o la violencia contra el gobierno del Estado solicitante."

"Artículo IX. A requerimiento del Estado interesado, el que ha concedido el refugio o asilo procederá a la vigilancia o a la internación, hasta una distancia prudencial de sus fronteras, de aquellos refugiados o asilados políticos que fueren notoriamente dirigentes de un movimiento subversivo, así como de aquéllos de quienes haya pruebas de que se disponen a incorporarse a él.

La determinación de la distancia prudencial de las fronteras para los efectos de la internación dependerá del criterio de las autoridades del Estado requerido.

Los gastos de toda índole que demande la internación de asilados o refugiados políticos serán por cuenta del Estado que la solicite."

"Artículo X. Los internados políticos, a que se refiere el Artículo anterior, darán aviso al gobierno del Estado en que se encuentran siempre que resuelvan salir del territorio. La salida les será concedida, bajo la condición de que no se dirigirán al país de su procedencia, y dando aviso al gobierno interesado."

VI

No será procedente la extradición cuando el delito fuere político o cuando, aunque común, fuere conexo con el político, según la calificación del Estado requerido, salvo que consistiere en homicidio u otro atentado personal contra el Jefe del Estado o cualquier otro de los miembros de los Poderes Públicos.

VII

Cada Parte se compromete a no designar a personas asiladas en su territorio para ocupar puestos de carácter político o militar.

VIII

Cada Parte se compromete a no otorgar en forma alguna ayuda de ningún género a quienquiera que intente de cualquier manera alterar el orden público en el territorio de la otra Parte.

IX

Cada Parte se compromete a prohibir que dentro de su jurisdicción se efectúe, por personas o entidades no oficiales, cualquier tráfico o comercio de armas, equipo o municiones de guerra.

X

Ambas Partes convienen en que cualquier material de los citados en el Artículo anterior que fuere localizado en la jurisdicción de una de las Partes, con violación de lo dispuesto en dicho Artículo, deberá ser de inmediato decomisado por esa Parte e impedida su exportación.

XI

Ambas Partes concuerdan en que toda referencia que se haga en el presente Acuerdo o en la Convención Interamericana sobre Deberes y Derechos de los Estados en Caso de Luchas Civiles, a "armas o material de guerra", incluye a aviones militares, y también a los de carácter civil cuando existan razones para creer que van ser usados con el fin de iniciar o ayudar a una lucha civil en territorio de una de las Partes. Asimismo concuerdan en que las referencias hechas en la Convención Interamericana sobre Deberes y Derechos de los Estados en Caso de Luchas Civiles, a la expresión "buques" o "embarcación", incluye también a las naves aéreas de cualquier tipo, ya sean militares o civiles.

XII

Ambas Partes convienen en designar, dentro de treinta días a partir de la fecha en que entre en vigor el presente Acuerdo, dos Comités Fronterizos, uno con jurisdicción desde la vaguada del Río Pizote—que desagua en el Lago de Nicaragua y que sirve de límite a los Departamentos de Rivas y Río San Juan, fronterizos con Costa Rica—hasta el mar Caribe, y el otro desde la vaguada de ese mismo Río hasta el Océano Pacífico. Estos Comités estarán integrados por cuatro oficiales de las fuerzas armadas de las Partes, y designados en número de dos por cada una de ellas. Las Partes procurarán reponer cualquier vacante en los Comités dentro de los treinta días siguientes a la fecha en que se produzca. Los miembros de los Comités residirán, mientras duren sus funciones, en la zona bajo su jurisdicción.

XIII

Los Comités Fronterizos tendrán como función coordinar la vigilancia conjunta de la frontera común e investigar cualquier hecho que pueda perturbar la armonía que debe existir entre las autoridades y habitantes de ambas Partes, procurando evitar que tales hechos ocurran y tratando de solucionarlos amistosamente cuando se presenten, sin perjuicio de que puedan ser tratados por negociación directa entre los Gobiernos de las Partes o ser referidos a la Comisión de Investigación y Conciliación que ambos Gobiernos han constituido de conformidad con el Tratado Americano de Soluciones Pacíficas (Pacto de Bogotá).

XIV

El presente Acuerdo será depositado en la Unión Panamericana, la cual enviará copia certificada auténtica a los Gobiernos Signatarios, a los demás

Gobiernos de los Estados Miembros de la Organización de los Estados Americanos y al Secretario General de las Naciones Unidas.

XV

El presente Acuerdo será ratificado y entrará en vigor cuando las ratificaciones sean depositadas en la Unión Panamericana, la cual comunicará cada depósito al otro Gobierno Signatario. Dicha notificación se considerará como canje de ratificaciones.

EN FE DE LO CUAL, los Plenipotenciarios arriba mencionados firman y sellan el presente Acuerdo en la Unión Panamericana, en presencia del Presidente y de los otros Miembros del Honorable Consejo de la Organización de los Estados Americanos, en la ciudad de Washington, D.C., el día 9 de Enero de 1956.

POR COSTA RICA: (f) Fernando Fournier

POR NICARAGUA: (f) Guillermo Sevilla Sacasa

La República de Costa Rica hace constar que acoge la cláusula sexta de este Acuerdo, en cuanto modifica el régimen de asilo adoptado en la Convención aprobada en la Décima Conferencia Interamericana, por cuanto dicha modificación se fundamenta en el Artículo 11, inciso 7º, del Código Penal de Costa Rica.

(SELLO)

**ACUERDO ENTRE LOS GOBIERNOS
DE LAS REPUBLICAS DE COSTA RICA Y NICARAGUA
SOBRE EL FUNCIONAMIENTO DE LA
COMISION DE INVESTIGACION Y CONCILIACION
CONSTITUIDA DE CONFORMIDAD CON
EL TRATADO AMERICANO DE SOLUCIONES PACIFICAS.**

Suscrito en la Unión Panamericana, Washington, D.C. el 9 de enero de 1956

Los Gobiernos de las Repúblicas de Costa Rica y Nicaragua, tomando en consideración el deseo que los anima de que no vuelvan a ocurrir diferencias y dificultades entre ellas, en desmedro del destino común que les corresponde como miembros de la comunidad americana de naciones; reconociendo que las relaciones entre ambos Estados revisten un carácter particular por su condición de partícipes de una frontera común y de haber sido en el pasado integrantes de una sola nacionalidad, junto con las demás Repúblicas hermanas de Centro América, y deseosos de adaptar el sistema de investigación y conciliación que establece el Tratado Americano de Soluciones Pacíficas a las circunstancias especiales antes indicadas, que informan las relaciones de sus dos pueblos, celebran el siguiente ACUERDO:

I

Ambas Partes convienen en que la Comisión de Investigación y Conciliación que ha sido integrada de conformidad con el párrafo primero de la Resolución II del Consejo de la Organización de los Estados Americanos actuando provisionalmente como Organo de Consulta, adoptada el 24 de febrero de 1955, estará permanentemente a la disposición de las Partes para colaborar con ellas en la mejor aplicación y cumplimiento del presente Acuerdo y de los Convenios internacionales vigentes, velando por la conservación de la paz y armonía que debe imperar en todo momento en las relaciones entre ambas Partes. A ese efecto se aplicará en primer término lo dispuesto por el presente Acuerdo y subsidiariamente las disposiciones del Capítulo III del Tratado Americano de Soluciones Pacíficas (Pacto de Bogotá).

II

Cualquiera de las Partes, una vez agotadas las negociaciones directas que puedan realizar, estará facultada para someter a la Comisión de Investigación y Conciliación las diferencias que se susciten entre ellas, así como sugerencias sobre la mejor manera de terminar, o impedir que se produzcan rozamientos y diferencias entre ambas Partes.

III

Cada Parte se compromete a tomar las medidas necesarias para poner en pronta ejecución cualquier disposición aceptada a recomendación de la Comisión de Investigación y Conciliación o de sus Comités de Expertos.

* No requiere ratificación.

IV

Ambas Partes convienen en dar acceso libremente a cualquier lugar de sus respectivos territorios y en otorgar facilidades de transporte y observación a los miembros de la Comisión de Investigación y Conciliación, sus delegados, asesores, empleados y equipo. Para este fin eximirán a dichas personas de toda formalidad inmigratoria o aduanera para ingresar a sus respectivos territorios, comprobando su identidad por medio del documento o credencial que extienda la Comisión.

V

Cada Parte se compromete a sancionar cualquier violación cometida bajo su jurisdicción a los derechos de inmunidad de la Comisión de Investigación y Conciliación, su personal y equipo, y al derecho de confidencia para sus deliberaciones, documentos y comunicaciones.

VI

Ambas Partes convienen en que los miembros de la Comisión de Investigación y Conciliación conservarán su mandato indefinidamente mientras no renuncien o sean sustituidos. Convienen asimismo en procurar que la Comisión esté siempre completa en su integración, aplicando para ello el procedimiento fijado por el Artículo XVII del Tratado Americano de Soluciones Pacíficas. Subsidiariamente, el Consejo de la Organización de los Estados Americanos hará la integración procurando realizar su escogencia del Cuadro Permanente de Conciliadores Americanos.

VII

Ambas Partes convienen en que la Comisión de Investigación y Conciliación podrá:

1. Gozar de la facultad de vigilar o realizar observaciones en cualquier lugar del territorio de ambas Partes;
2. Solicitar y recibir colaboración de los Gobiernos de ambas Partes y de los Organos del Consejo de la Organización de los Estados Americanos;
3. Celebrar reuniones, además de aquéllas que celebre a petición de cualquiera de las Partes, en los lugares y las oportunidades que estime conveniente;
4. Formular aquellos reglamentos necesarios para fijar el distintivo y documentos de identidad que usarán sus miembros, delegados, asesores, empleados y equipo, y contemplar el rango jerárquico entre los miembros de sus Comités de Expertos, las facilidades de oficina, de comunicación, de uso de clave para mensajes privativos de tales Comités, y las garantías de inmunidad de que gozarán sus miembros y personal;
5. Tomar decisiones por mayoría de los votos de sus miembros y hacer recomendaciones a las Partes sobre la mejor manera de cumplir los altos fines perseguidos al concertar el presente Acuerdo, inclusive recomendaciones sobre control o vigilancia internacional o desmilitarización de alguna zona del territorio de una o ambas Partes;

6. Designar Comités de Expertos, conforme al Artículo XXIV del Tratado Americano de Soluciones Pacíficas, para que lo asesoren, especialmente en el ramo militar, escogiendo sus miembros entre ciudadanos de Estados que no sean las Partes.

VIII

Ambas Partes convienen en que al recibirse alguna solicitud de cualquiera de ellas el Presidente de la Comisión de Investigación y Conciliación podrá tomar las providencias necesarias para facilitar la ejecución de las funciones encomendadas a la Comisión por el presente Acuerdo. Cada vez que la Comisión lo considere conveniente ésta someterá un informe a los Gobiernos de ambas Partes y al Consejo de la Organización de los Estados Americanos sobre el desarrollo de sus actividades. Los archivos de la Comisión serán custodiados por la Unión Panamericana.

EN FE DE LO CUAL, los Plenipotenciarios de los Gobiernos de Costa Rica y Nicaragua firman y sellan el presente Acuerdo en la Unión Panamericana, en presencia del Presidente y de los otros Miembros del Honorable Consejo de la Organización de los Estados Americanos en la ciudad de Washington, D.C., el día 9 de Enero de 1956.

POR COSTA RICA:

(f) Fernando Fournier

POR NICARAGUA:

(f) Guillermo Sevilla Sacasa

ACUERDO

entre las Cancillerías de Honduras y de Nicaragua sobre el procedimiento para elevar a la Corte Internacional de Justicia su diferendo en torno al Laudo emitido por S. M. el Rey de España el 23 de diciembre de 1906 *

Suscrito en la Unión Panamericana, Washington, D.C. el 21 de julio de 1957

El día 5 de julio de 1957 el Consejo de la Organización de los Estados Americanos actuando provisionalmente como Órgano de Consulta aprobó una Resolución que registra, con beneplácito, la voluntaria y simultánea aceptación, por parte de los Gobiernos de Honduras y de Nicaragua, del procedimiento de solución pacífica que tuvieron a bien suscribir y cuyas disposiciones figuran en la citada Resolución.

De conformidad con esa misma Resolución, las Partes, habiéndose obligado a aplicar el Tratado Americano de Soluciones Pacíficas -"Pacto de Bogotá"- y a utilizar procedimientos consignados en dicho Pacto, convienen en seguir las siguientes normas de procedimiento:

1o. Los Gobiernos de Honduras y de Nicaragua someterán a la Corte Internacional de Justicia, dentro de las disposiciones del Estatuto y del Reglamento de la misma, el diferendo que existe entre ellos en torno al Laudo dictado por S. M. el Rey de España el 23 de diciembre de 1906; quedando entendido que cada uno de ellos presentará, en ejercicio de su soberanía y de acuerdo con los lineamientos estipulados en este instrumento, el aspecto del diferendo que estime pertinente.

2o. El Gobierno de Honduras, dentro del término máximo de diez meses, contados a partir del 15 de septiembre del año en curso, y de conformidad con el Artículo 40 del Estatuto de la Corte Internacional de Justicia, presentará a dicha Corte una solicitud escrita introduciendo la instancia y enunciativa de la demanda, y comunicará al Gobierno de Nicaragua, con quince días de anticipación, la fecha en que vaya a realizar ese acto.

3o. Dentro del término de dos meses a partir de la notificación que hará la Corte respecto a la referida solicitud escrita, el Gobierno de Nicaragua se dará por notificado; y, dentro de ese mismo término designará el Agente o los Agentes que lo representarán ante dicho Tribunal.

4o. La sentencia, debidamente pronunciada y notificada, decidirá el diferendo de una vez por todas y sin apelación, y recibirá inmediata ejecución.

5o. Para las eventuales situaciones contempladas en el convenio entre los dos Gobiernos, consignado en la Resolución del Consejo actuando provisionalmente como Órgano de Consulta aprobada el 5 de julio de 1957, los dos Gobiernos aplicarán las medidas que contiene dicho convenio.

* No requiere ratificación.

6o. Al llevar a la práctica las cláusulas del presente Acuerdo, el Gobierno de Honduras y el Gobierno de Nicaragua recogen el alto espíritu del inciso 6 de la Resolución del Consejo actuando provisionalmente como Organó de Consulta, aprobada el 5 de julio de 1957, en la cual se destaca la especial situación geográfica e histórica que liga a Honduras y Nicaragua dentro de la comunidad centroamericana.

Washington, D.C., a 21 de julio de 1957.

Dr. Jorge Fidel Durón
Ministro de Relaciones
Exteriores de la
República de Honduras.

Dr. Alejandro Montiel Argüello
Ministro de Relaciones
Exteriores de la
República de Nicaragua.

ANEXO A

DECLARACION

del señor Canciller de Honduras sobre la posición de su
Gobierno al acudir a la Corte Internacional de Justicia

Honduras lleva a la Corte Internacional de Justicia su demanda contra Nicaragua para que el Laudo de S.M. el Rey de España emitido el 23 de diciembre de 1906 sea ejecutado, fundándose en la vigencia e intangibilidad del Laudo. Honduras ha venido sosteniendo y sostiene que el incumplimiento de dicho fallo arbitral por parte de Nicaragua constituye, dentro del Artículo 36 del Estatuto de la Corte Internacional de Justicia y de las normas del Derecho Internacional, la violación de una obligación internacional.

La anterior referencia a la posición de Honduras en esta instancia, tiene sólo un carácter general y no constituye en modo alguno una definición ni limitación de la materia que será sometida a la Corte, ni tampoco una fórmula que restrinja en modo alguno el ejercicio del derecho que Honduras sostendrá en el juicio ante la Corte.

ANEXO `B`

DECLARACION

del señor Canciller de Nicaragua sobre la posición de su Gobierno
al comparecer ante la Corte Internacional de Justicia

Nicaragua, al comparecer ante la Corte Internacional de Justicia contestará la demanda de Honduras invocando las razones, acciones y hechos y oponiendo las excepciones que tenga a bien para impugnar la validez del Laudo del 23 de diciembre de 1906 y su fuerza obligatoria; así como todos aquellos derechos que a su interés convenga. Nicaragua ha sostenido y sostiene que sus límites con Honduras siguen en la misma situación jurídica que antes de dictarse el referido Laudo.

La anterior referencia a la posición de Nicaragua en esta instancia, tiene sólo un carácter general y no constituye en modo alguno una definición ni limitación de la materia que será sometida a la Corte ni tampoco una fórmula que restrinja en modo alguno el ejercicio del derecho que Nicaragua sostendrá ante la Corte.

ACUERDO ENTRE LOS GOBIERNOS DE LAS REPUBLICAS DE HONDURAS Y NICARAGUA SOBRE ASILO TERRITORIAL *

Suscrito en la Unión Panamericana, Washington, D.C. el 26 de febrero de 1959

Los Gobiernos de las Repúblicas de Honduras y Nicaragua, reafirmando su deseo de mantener entre ellos relaciones pacíficas como corresponde a dos pueblos hermanos y vecinos, y de evitar en el presente y en el futuro toda diferencia que interfiera en sus fraternales vinculaciones; deseando prevenir en forma efectiva que dentro de sus respectivos territorios se organicen movimientos subversivos por parte de nacionales del otro país, sean emigrados políticos o no, residentes permanentes o temporales, transeúntes o por personas de terceras nacionalidades; reconociendo la eficaz labor pacificadora del Consejo de la Organización de los Estados Americanos, han resuelto celebrar el presente Acuerdo que estipula las medidas que ambos Gobiernos habrán de poner en práctica para impedir la organización de cualquier movimiento revolucionario contra el Gobierno de cualquiera de las dos Partes en el territorio de la otra, complementando así, en la medida y forma que las necesidades del caso particular lo requieran, la Convención sobre Deberes y Derechos de los Estados en Caso de Luchas Civiles, principalmente respecto a las medidas de control y vigilancia fronteriza. Para este fin, el Excelentísimo señor Presidente de la República de Honduras, Doctor Ramón Villeda Morales, y el Excelentísimo señor Presidente de la República de Nicaragua, Ingeniero Luis A. Somoza D., han tenido a bien designar los siguientes Plenipotenciarios:

Por la República de Honduras: El Excelentísimo señor Embajador Doctor Céleo Dávila, Representante de Honduras en el Consejo de la Organización de los Estados Americanos;

Por la República de Nicaragua: El Excelentísimo señor Embajador Doctor Guillermo Sevilla Sacasa, Representante de Nicaragua en el Consejo de la Organización de los Estados Americanos;

Quienes, después de exhibidos los respectivos Plenos Poderes, hallados en buena y debida forma, suscriben dicho Acuerdo en los siguientes términos:

Artículo I

Ambas Partes, dentro del espíritu que debe animar a los integrantes de la familia centroamericana de Naciones, colaborarán al máximo de sus posibilidades para organizar con la mayor eficacia la vigilancia de sus territorios, especialmente zonas fronterizas, costas y aeropuertos, como medio de evitar que del territorio de una de las Partes puedan introducirse ilegalmente al de la otra, ya sea armas o grupos armados. Las autoridades de ambos Gobiernos, y en especial las fronterizas, se intercambiarán en la forma más amplia posible cualquier información que llegue a su conocimiento y que permita evitar tales hechos.

Artículo II

Cada una de las Partes se compromete a tomar las medidas necesarias para evitar que en su territorio se promuevan o lleven a cabo movimientos revolucionarios contra la otra Parte.

* Nicaragua depositó su instrumento de ratificación el 28 de mayo de 1959.

Cada una de las Partes se compromete a tomar toda clase de medidas para evitar que cualquier persona, nacional o extranjera, desde algún lugar bajo su jurisdicción, participe o ayude en cualquier empresa subversiva contra la otra Parte.

Artículo III

La contribución, suministro o provisión de armas, material de guerra o equipo, la instalación y funcionamiento de radiodifusoras o cualquier otro medio de difusión o propaganda que inciten a la rebelión o actos subversivos, el entrenamiento, enlistamiento, organización o transporte de personas o la obtención o suministro de dinero con los fines antes indicados, además de cualesquiera otros hechos similares, serán considerados como participación para los efectos del Artículo anterior.

Artículo IV

Cada una de las Partes se compromete a expulsar de su territorio a los asilados o refugiados políticos y a cualquier extranjero cuya expulsión solicite la otra Parte, por violar las normas internacionales del derecho de asilo o infringir las disposiciones de este Acuerdo.

Artículo V

A requerimiento de la Parte interesada, la que ha concedido el refugio o asilo procederá a la vigilancia o a la internación en la cabecera departamental más distante de la frontera, de aquellos refugiados o asilados políticos que fueren notoriamente dirigentes de un movimiento subversivo, así como de aquellos extranjeros que participen en la organización de dicho movimiento, o que se disponen a incorporarse a él.

Aquellos extranjeros que habiendo sido internados por sus actividades subversivas visitaren o se trasladaren a otros lugares más cercanos de la frontera, podrán ser expulsados a solicitud de la Parte afectada.

Artículo VI

Cada una de las Partes se compromete a no designar o nombrar a personas asiladas o refugiadas en su territorio para ocupar puestos o desempeñar funciones de carácter político o militar.

Artículo VII

Cada una de las Partes se compromete a no otorgar en forma alguna ayuda de ningún género a quienquiera que intente de cualquier manera alterar el orden público en el territorio de la otra Parte.

Para los efectos de este Artículo se entenderá como ayuda de la Parte la que preste cualquier funcionario de su Gobierno, cuando una vez comprobada la complicidad de tal funcionario, no se le impusieren a éste las sanciones del caso.

Artículo VIII

Cada una de las Partes se compromete a prohibir que dentro de su jurisdicción se efectúe, por personas o entidades oficiales o no oficiales, cualquier tráfico o comercio de armas, equipo o municiones de guerra para alterar el orden público en la otra Parte.

Artículo IX

Ambas Partes convienen en que cualquier material del citado en el Artículo anterior que fuere localizado en la jurisdicción de una de las Partes, con violación a lo dispuesto en dicho Artículo, deberá ser de inmediato decomisado por esa Parte e impedida su exportación.

Artículo X

Ambas Partes podrán solicitar los servicios de la Comisión Militar Mixta Hondureña-Nicaragüense, que ha venido funcionando entre ellas, cuando se trate de casos que requieran una pronta y eficaz investigación o esclarecimiento.

Artículo XI

Ambas Partes convienen en que toda referencia que se haga en el presente Acuerdo o en la Convención Interamericana sobre Deberes y Derechos de los Estados en Caso de Luchas Civiles, a "armas o material de guerra", incluye a aviones militares y también a los de carácter civil cuando existan razones para creer que van a ser usados con el fin de iniciar o ayudar a una lucha civil en territorio de una de las Partes. Asimismo convienen en que las referencias hechas en la Convención Interamericana sobre Deberes y Derechos de los Estados en Caso de Luchas Civiles, a la expresión "buques" o "embarcación", incluye también a las naves aéreas de cualquier tipo, ya sean militares o civiles.

Artículo XII

Cuando se usa el término "extranjeros" en este Acuerdo, se refiere a nacionales de la otra Parte, sean emigrados políticos o no, residentes permanentes o temporales, transeúntes, y a personas de terceras nacionalidades.

Artículo XIII

De toda comunicación que se cruzare entre las Partes en relación a la ejecución de este Acuerdo se enviará copia a la Unión Panamericana.

Artículo XIV

Ambas Partes expresamente declaran que su propósito al firmar este Acuerdo no ha sido otro - como se deja dicho en el Preámbulo - que el de evitar en el presente y en el futuro toda diferencia que interfiera en sus fraternales vinculaciones y que tenga como causa las actividades clandestinas que realicen nacionales del otro país, sean emigrados políticos o no, residentes permanentes o temporales, transeúntes o personas de terceras nacionalidades. En consecuencia, ambas Partes convienen en que siendo estos los fines exclusivos del Acuerdo, no podrá invocarse su existencia como prueba o evidencia en forma alguna, ni podrá aplicarse ni utilizarse nada de su contenido para otros fines que no sean los indicados.

Artículo XV

El presente Acuerdo será depositado en la Unión Panamericana, la cual enviará copia certificada auténtica a los Gobiernos signatarios, a los demás Gobiernos de los Estados Miembros de la Organización de los Estados Americanos,

al Secretario General de las Naciones Unidas y al Secretario General de la Organización de los Estados Centroamericanos.

Artículo XVI

El presente Acuerdo será ratificado y entrará en vigor cuando las ratificaciones sean depositadas en la Unión Panamericana.

EN FE DE LO CUAL los Plenipotenciarios arriba mencionados firman el presente Acuerdo en la Unión Panamericana, en presencia del Presidente y miembros del Consejo de la Organización de los Estados Americanos, del Presidente y miembros de la Comisión Interamericana de Paz y del Secretario General de la Organización de los Estados Americanos, en la Ciudad de Washington, D.C., Estados Unidos de América, a los veintiseis días del mes de febrero de mil novecientos cincuenta y nueve.

Por HONDURAS: (f) Céleo Dávila

Por NICARAGUA: (f) Guillermo Sevilla Sacasa

SERIE SOBRE TRATADOS No. 30
OEA DOCUMENTOS OFICIALES OEA/Ser.A/15 (SEPF)

**Convenio Interamericano
para Facilitar el Transporte Acuático Internacional
(Convenio de Mar del Plata)**

Suscrito en la Segunda Conferencia Portuaria Interamericana
Mar del Plata, Argentina, 29 mayo - 7 junio de 1963

**Inter-American Convention
on Facilitation of International Waterborne Transportation
(Convention of Mar del Plata)**

Signed at the Second Inter-American Port and Harbor Conference
Mar del Plata, Argentina, May 29 - June 7, 1963

**Convênio Interamericano
para Facilitar o Transporte Aquático Internacional
(Convênio de Mar del Plata)**

Assinado na Segunda Conferência Portuária Interamericana
Mar del Plata, Argentina, 29 maio - 7 junho 1963

**Convention Interaméricaine
visant à Faciliter les Transports Internationaux
par Navigation Maritime ou Intérieure
(Convention de Mar del Plata)**

Signée à la Deuxième Conférence Interaméricaine des Ports
Mar del Plata, Argentine, 29 mai - 7 juin 1963

UNION PANAMERICANA
Secretaría General, Organización de los Estados Americanos
WASHINGTON, D. C., 1963

CONVENIO INTERAMERICANO
PARA FACILITAR EL TRANSPORTE ACUATICO INTERNACIONAL
(CONVENIO DE MAR DEL PLATA)

Los Estados Contratantes, inspirados en la Carta de Punta del Este y en la Declaración de San José sobre el Desarrollo, Administración y Operación de Puertos en las Américas, con el fin de facilitar los servicios de transporte acuático internacional en el Hemisferio occidental mediante la reducción al mínimo de las formalidades, requisitos y trámites de documentos para la recepción y despacho de naves y para el tratamiento de sus pasajeros, tripulación, carga y equipaje, han convenido lo siguiente:

Artículo 1

Cada Estado Contratante acuerda adoptar, mediante la promulgación de reglamentos especiales o de otro modo, todas las medidas que faciliten y aceleren los servicios de transporte acuático entre los territorios de los Estados Contratantes, y que eviten todo retardo innecesario de naves, de sus pasajeros, tripulación, carga y equipaje, en la aplicación de las leyes sobre inmigración, sanidad, aduana, y otras disposiciones relativas a la recepción y despacho de las naves.

Artículo 2

Cada Estado Contratante se compromete a establecer, en la medida de lo posible, los procedimientos y disposiciones legales adecuados sobre inmigración, sanidad, aduana, y demás materias relativas a la recepción y despacho de las naves, de acuerdo con las normas que se establezcan o métodos que se recomienden de tiempo en tiempo, en aplicación del presente Convenio. Ninguna disposición del presente Convenio se interpretará en el sentido de que impida la creación de puertos o zonas francas.

Artículo 3

Cada Estado Contratante se compromete a colaborar para lograr el mayor grado de uniformidad posible en los procedimientos y disposiciones legales relativos a la recepción y despacho de las naves y en el tratamiento de sus pasajeros, tripulación, carga y equipaje en todo cuanto tal uniformidad facilite y mejore el transporte acuático internacional.

Artículo 4

a. A estos efectos, la Conferencia Portuaria Interamericana de la Organización de los Estados Americanos adoptará y modificará de tiempo en tiempo, cuando sea necesario, las normas interamericanas y los métodos recomendados en lo relativo a las formalidades, requisitos y trámites pertinentes para una eficaz y económica recepción y despacho de las naves y para el ágil y adecuado tratamiento de sus pasajeros, tripulación, carga y equipaje.

b. Un grupo de expertos de los gobiernos de los Estados Contratantes, creado dentro del Comité Técnico Permanente de Puertos adscrito al Consejo Interamericano Económico y Social, estudiará y propondrá a la consideración de la Conferencia Portuaria Interamericana, por intermedio del Comité, de tiempo en tiempo y cuando sea necesario, las normas y los métodos recomendados.

Artículo 5

a. Para la adopción de las normas y de los métodos recomendados y de las enmiendas a los mismos por la Conferencia Portuaria Interamericana, a que se refiere el inciso(a) del Artículo 4, se requerirá el voto de dos terceras partes de las delegaciones acreditadas de los Estados Contratantes asistentes a la Conferencia.

b. Las normas y los métodos recomendados que hayan sido aprobados, y toda enmienda a los mismos, entrarán en vigor tres meses después de ser transmitidos a los Estados Contratantes, salvo que ese período sea ampliado por la Conferencia o que, en el interin, la mayoría de los Estados Contratantes notifique su desacuerdo a la Secretaría General de la Organización de los Estados Americanos.

SERIE SOBRE TRATADOS No. 30
OEA DOCUMENTOS OFICIALES OEA/Ser.A/15 (SEPF)

**Convenio Interamericano
para Facilitar el Transporte Acuático Internacional
(Convenio de Mar del Plata)**

Suscrito en la Segunda Conferencia Portuaria Interamericana
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Secretaría General, Organización de los Estados Americanos
WASHINGTON, D. C., 1963

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PARA FACILITAR EL TRANSPORTE ACUATICO INTERNACIONAL
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Los Estados Contratantes, inspirados en la Carta de Punta del Este y en la Declaración de San José sobre el Desarrollo, Administración y Operación de Puertos en las Américas, con el fin de facilitar los servicios de transporte acuático internacional en el Hemisferio occidental mediante la reducción al mínimo de las formalidades, requisitos y trámites de documentos para la recepción y despacho de naves y para el tratamiento de sus pasajeros, tripulación, carga y equipaje, han convenido lo siguiente:

Artículo 1

Cada Estado Contratante acuerda adoptar, mediante la promulgación de reglamentos especiales o de otro modo, todas las medidas que faciliten y aceleren los servicios de transporte acuático entre los territorios de los Estados Contratantes, y que eviten todo retardo innecesario de naves, de sus pasajeros, tripulación, carga y equipaje, en la aplicación de las leyes sobre inmigración, sanidad, aduana, y otras disposiciones relativas a la recepción y despacho de las naves.

Artículo 2

Cada Estado Contratante se compromete a establecer, en la medida de lo posible, los procedimientos y disposiciones legales adecuados sobre inmigración, sanidad, aduana, y demás materias relativas a la recepción y despacho de las naves, de acuerdo con las normas que se establezcan o métodos que se recomienden de tiempo en tiempo, en aplicación del presente Convenio. Ninguna disposición del presente Convenio se interpretará en el sentido de que impida la creación de puertos o zonas francas.

Artículo 3

Cada Estado Contratante se compromete a colaborar para lograr el mayor grado de uniformidad posible en los procedimientos y disposiciones legales relativos a la recepción y despacho de las naves y en el tratamiento de sus pasajeros, tripulación, carga y equipaje en todo cuanto tal uniformidad facilite y mejore el transporte acuático internacional.

Artículo 4

a. A estos efectos, la Conferencia Portuaria Interamericana de la Organización de los Estados Americanos adoptará y modificará de tiempo en tiempo, cuando sea necesario, las normas interamericanas y los métodos recomendados en lo relativo a las formalidades, requisitos y trámites pertinentes para una eficaz y económica recepción y despacho de las naves y para el ágil y adecuado tratamiento de sus pasajeros, tripulación, carga y equipaje.

b. Un grupo de expertos de los gobiernos de los Estados Contratantes, creado dentro del Comité Técnico Permanente de Puertos adscrito al Consejo Interamericano Económico y Social, estudiará y propondrá a la consideración de la Conferencia Portuaria Interamericana, por intermedio del Comité, de tiempo en tiempo y cuando sea necesario, las normas y los métodos recomendados.

Artículo 5

a. Para la adopción de las normas y de los métodos recomendados y de las enmiendas a los mismos por la Conferencia Portuaria Interamericana, a que se refiere el inciso(a) del Artículo 4, se requerirá el voto de dos terceras partes de las delegaciones acreditadas de los Estados Contratantes asistentes a la Conferencia.

b. Las normas y los métodos recomendados que hayan sido aprobados, y toda enmienda a los mismos, entrarán en vigor tres meses después de ser transmitidos a los Estados Contratantes, salvo que ese período sea ampliado por la Conferencia o que, en el interin, la mayoría de los Estados Contratantes notifique su desacuerdo a la Secretaría General de la Organización de los Estados Americanos.

c. Las normas y los métodos recomendados y las enmiendas a los mismos constituirán un Anexo al presente Convenio después de su entrada en vigor, sujetos a lo dispuesto en el Artículo 6.

d. La Secretaría General notificará a cada uno de los Estados Contratantes la fecha de entrada en vigor de las normas y de los métodos recomendados y de las enmiendas a los mismos.

Artículo 6

a. Cualquier Estado Contratante que considere imposible cumplir una norma interamericana, o concordar completamente sus propios reglamentos o métodos con tal norma, cuando ésta haya sido modificada, o que considere necesario adoptar reglamentos o métodos que difieran de lo establecido por una norma interamericana, notificará inmediatamente a la Secretaría General de la Organización de los Estados Americanos las diferencias que existan entre su propio reglamento o método y lo establecido por la norma interamericana.

b. Cuando se trate de enmiendas a las normas interamericanas, cualquier Estado Contratante que no haga las modificaciones correspondientes en sus propios reglamentos o métodos, lo comunicará a la Secretaría General dentro de los sesenta días a contar de la fecha de la aprobación de la enmienda a la norma interamericana, o indicará las medidas que se proponga adoptar a este respecto.

c. En todos los casos, la Secretaría General notificará a todos los demás Estados Contratantes las diferencias que existan, en uno o más aspectos, entre la norma interamericana y el reglamento o método correspondiente del Estado en cuestión.

Artículo 7

El presente Convenio quedará abierto a la firma o adhesión de los Estados miembros de la Organización de los Estados Americanos o de cualquier otro Estado que haya sido invitado a firmar o adherir por indicación del Consejo de la Organización de los Estados Americanos.

Artículo 8

a. El instrumento original del presente Convenio, cuyos textos en español, francés, inglés y portugués son igualmente auténticos, será depositado en la Secretaría General de la Organización de los Estados Americanos, la cual enviará copias certificadas a cada uno de los gobiernos de los Estados signatarios para los fines de su ratificación.

b. Este Convenio será ratificado por los Estados signatarios de conformidad con sus respectivos procedimientos constitucionales. Los instrumentos de ratificación y los de adhesión serán depositados en la Secretaría General de la Organización de los Estados Americanos, que notificará dicho depósito a cada uno de los gobiernos de los Estados signatarios y a cada uno de los gobiernos de los Estados adherentes.

Artículo 9

El presente Convenio entrará en vigor el trigésimo día que siga a la fecha en que se haya depositado en la Secretaría General de la Organización de los Estados Americanos el undécimo instrumento de ratificación o de adhesión. Respecto de cada Estado que ratifique el Convenio o adhiera al mismo después de haberse depositado el undécimo instrumento de ratificación o de adhesión, el Convenio entrará en vigor el trigésimo día después de que dicho Estado haya depositado su instrumento de ratificación o de adhesión.

Artículo 10

El Comité Técnico Permanente de Puertos se encargará de dar continuidad al cumplimiento de este Convenio, inclusive de la revisión periódica de las normas y de los métodos recomendados. El Comité, por iniciativa propia o por recomendación de un Estado Contratante, invitará al Grupo de Expertos a que se refiera el inciso (b) del Artículo 4, a estudiar la conveniencia y posibilidad de cualquier proyecto de enmienda al Anexo mencionado en el inciso (c) del Artículo 5, y formular recomendaciones al respecto. Si el examen y estudio de cualquiera de estas enmiendas interesara a los Congresos Interamericanos de Turismo o a los Congresos Panamericanos de Carreteras, éstos serán consultados.

Artículo 11

La adopción de toda enmienda al presente Convenio requerirá el voto, en la Conferencia Portuaria Interamericana, de dos terceras partes de las delegaciones acreditadas de los Estados Contratantes asistentes, y entrará en vigor, respecto de los Estados que la hayan ratificado de conformidad con sus respectivos procedimientos constitucionales, treinta días después de depositado en la Secretaría General de la Organización de los Estados Americanos, el número de ratificaciones que al efecto determine dicha Conferencia.

Artículo 12

a. El presente Convenio podrá ser denunciado por cualquiera de los Estados Contratantes en cualquier momento después de transcurridos cuatro años desde la fecha en que el Convenio entre en vigor en ese Estado.

b. La denuncia se hará mediante una notificación por escrito dirigida a la Secretaría General de la Organización de los Estados Americanos, la que informará a todos los demás Estados Contratantes acerca de cualquier denuncia que reciba y de la fecha de recepción de la misma.

c. La denuncia entrará en vigor transcurrido un año, o el plazo mayor que se determine en la notificación, desde la fecha en que fuere recibida por la Secretaría General de la Organización.

EN TESTIMONIO DE LO CUAL, los Plenipotenciarios infrascriptos, debidamente autorizados por sus respectivos gobiernos, firman el presente Convenio. Hecho en Mar del Plata, a los siete días del mes de junio de mil novecientos sesenta y tres.

RESERVAS Y DECLARACIONES

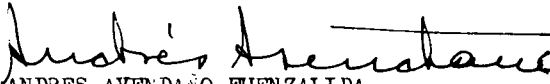
Reserva de la Delegación de Chile

Chile suscribe el presente Convenio con la reserva de aplicar, en virtud de convenios bilaterales o multilaterales vigentes, un tratamiento más favorable en materia de normas y procedimientos relativos al transporte marítimo internacional.

Declaración de la Delegación de Chile

La Delegación de Chile declara, al suscribir el Convenio sobre Facilitación del Transporte Acuático Internacional (Convenio de Mar del Plata), que estima que éste en nada afecta otros convenios relativos al transporte marítimo internacional, que continuarán en plena vigencia y aplicación.

Mar del Plata, Argentina
7 de junio de 1963

(firmado) 
ANDRES AVENDAÑO FUENZALIDA
Delegado de Chile

INTER-AMERICAN CONVENTION
ON
FACILITATION OF INTERNATIONAL WATERBORNE TRANSPORTATION
(CONVENTION OF MAR DEL PLATA)

The Contracting States, inspired by the Charter of Punta del Este and by the Declaration of San José on the Principles on the Development, Administration and Operation of Ports in the Americas, and with a view to facilitating international waterborne transportation in the Western Hemisphere by reducing to a minimum the formalities, documentary requirements and procedures for the entry and clearance of vessels and the treatment of their passengers, crews, cargo and baggage, have agreed as follows:

Article 1

Each Contracting State agrees to adopt all practicable measures, through the issuance of special regulations or otherwise, to facilitate and expedite waterborne transportation between the territories of the Contracting States, and to prevent unnecessary delays to vessels, passengers, crews, cargo and baggage in the administration of the laws relating to immigration, public health, customs, and other provisions relative to arrivals and departures of vessels.

Article 2

Each Contracting State undertakes, so far as it may find practicable, to establish appropriate procedures and legal provisions on immigration, public health, customs and other matters relative to arrivals and departures of vessels, in accordance with the standards and recommended practices which may be established from time to time, pursuant to this Convention. Nothing in this Convention shall be construed as preventing the establishment of customs-free ports or free zones.

Article 3

Each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in appropriate procedures and legal provisions in relation to the entry and clearance of vessels and the treatment of passengers, crews, cargo and baggage in all matters in which such uniformity will facilitate and improve international waterborne transportation.

Article 4

(a) To these ends, the Inter-American Port and Harbor Conference of the Organization of American States shall, from time to time, when necessary, adopt and amend inter-American standards and recommended practices dealing with all matters relating to formalities, requirements and procedures relevant to the efficient and economic entry and clearance of vessels, and the expeditious and appropriate treatment of their passengers, crews, cargo and baggage.

(b) A Group of Experts from the governments of the Contracting States, established within the Permanent Technical Committee on Ports, attached to the Inter-American Economic and Social Council, shall, from time to time, when necessary, study and propose standards and recommended practices through the Committee to the Inter-American Port and Harbor Conference.

Article 5

(a) The adoption by the Inter-American Port and Harbor Conference of the standards and recommended practices and amendments thereto, as provided in paragraph (a) of Article 4 hereof shall require the affirmative vote of two thirds of the accredited delegations of the Contracting States present at the Conference.

(b) The standards and recommended practices adopted, and any amendment thereto, shall enter into force three months after submission to the Contracting States, unless the date of the entry into force is extended by the Conference or unless, in the meantime, a majority of the Contracting States notify their disapproval to the General Secretariat of the Organization of American States.

(c) The standards and recommended practices, and amendments thereto, shall constitute an Annex to the present Convention upon their entry into force, subject to the provisions of Article 6.

(d) The General Secretariat shall notify each of the Contracting States of the date of entry into force of the standards and recommended practices and of any amendment thereto.

Article 6

(a) Any State which finds it impracticable to comply with any inter-American standard or to bring its own regulations or practices into full accord with any such standard after amendment of the latter, or which deems it necessary to adopt regulations or practices differing from those established by an inter-American standard, shall give immediate notification to the General Secretariat of the Organization of American States of the differences between its own regulations or practices and those established by the inter-American standard.

(b) In the case of amendments to inter-American standards, any Contracting State which does not make the appropriate amendments to its own regulations or practices shall give notice to the General Secretariat within sixty days of the adoption of the amendment to the inter-American standard, or indicate the action which it proposes to take.

(c) In any such case, the General Secretariat shall notify all other States of the difference which exists between one or more features of an inter-American standard and the corresponding national practice of that State.

Article 7

The present Convention shall be open for signature or adherence by the member states of the Organization of American States or any other state to which an invitation to sign or adhere has been transmitted at the direction of the Council of the Organization of American States.

Article 8

(a) The original instrument, the English, French, Portuguese, and Spanish texts of which are equally authentic, shall be deposited with the General Secretariat of the Organization of American States, which shall transmit certified copies to each of the governments of the signatory States for ratification.

(b) The present Convention shall be subject to ratification by the signatory States in accordance with their respective constitutional procedures. The instruments of ratification and instruments of adherence shall be deposited with the General Secretariat of the Organization of American States, which shall notify each of the governments of the signatory States and each of the governments of the adhering States of the said deposit.

Article 9

The present Convention shall come into force on the thirtieth day following the date of deposit of the eleventh instrument of ratification or adherence with the General Secretariat of the Organization of American States. For each State ratifying or adhering to the Convention after the deposit of the eleventh instrument of ratification or adherence, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or adherence.

Article 10

The task of providing continuity in the implementation of this Convention, including periodic review of the standards and recommended practices, shall be entrusted to the Permanent Technical Committee on Ports. On its own initiative, or at the suggestion of a Contracting State, the Committee shall direct the Group of Experts to which reference is made in paragraph (b) of Article 4 hereof to study the desirability and feasibility of any proposed amendment to the Annex referred to in paragraph (c) of Article 5 and make recommendations thereon. Should the consideration and study of any amendments to this Convention be of interest to the Inter-American Travel Congresses or the Pan American Highway Congresses, they shall be consulted.

Article 11

The adoption of any amendment to this Convention shall require the affirmative vote in an Inter-American Port and Harbor Conference of two thirds of the accredited delegations of the Contracting States present and shall then come into force in respect of States which have ratified such amendment in accordance with their respective constitutional procedures 30 days after there has been deposited in the General Secretariat of the Organization of American States the number of ratifications specified for this purpose by the Conference.

Article 12

(a) The present Convention may be denounced by any Contracting State at any time after the expiration of four years from the date on which the Convention comes into force for that State.

(b) Denunciation shall be effected by a notification in writing addressed to the General Secretariat of the Organization of American States which shall notify all the other Contracting States of any denunciation received and of the date of its receipt.

(c) A denunciation shall take effect one year, or such longer period as may be specified in the notification, after its receipt by the General Secretariat of the Organization.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized by their respective governments for that purpose, have signed the present Convention. Done at Mar del Plata, the seventh day of June of nineteen hundred and sixty-three.

RESERVATIONS AND STATEMENTS


Reservation made by the Delegation of Chile

While signing the present Convention, Chile reserves the right to apply a more favorable treatment with respect to international maritime transportation regulations and procedures in virtue of existing bilateral or multilateral agreements.

Statement made by the Delegation of Chile

On signing the Inter-American Convention on the Facilitation of International Waterborne Transportation (Convention of Mar del Plata), the Delegation of Chile declares that it believes that this Convention in no way affects other conventions on international waterborne transportation, which remain in full force and will continue to be applied.

Mar del Plata, Argentina
June 7, 1963

(signed) 
ANDRES AVENDANO FUENZALIDA
Delegate of Chile

CONVÊNIO INTERAMERICANO
PARA FACILITAR O TRANSPORTE AQUÁTICO INTERNACIONAL
(CONVÊNIO DE MAR DEL PLATA)

Os Estados Contratantes, inspirados na Carta de Punta del Este e na Declaração de São José sobre o Desenvolvimento, Administração e Operação de Portos nas Américas, com o fim de facilitar os serviços de transporte aquático internacional no Hemisfério ocidental, mediante a redução ao mínimo das formalidades, requisitos e tramitações de documentos para a entrada e saída de navios, e para o tratamento de seus passageiros, tripulação, carga e bagagem, convieram no seguinte:

Artigo 1

Cada Estado Contratante concorda em adotar, mediante a promulgação de regulamentos especiais ou por outros meios, todas as medidas para facilitar e acelerar os serviços de transporte aquático entre os territórios dos Estados Contratantes, e evitar todo atraso desnecessário de navios, de seus passageiros, tripulação, carga e bagagem, na aplicação das leis de imigração, saúde, alfândega e outras disposições concernentes à entrada e saída de navios.

Artigo 2

Cada Estado Contratante se compromete a adotar, na medida do possível, os adequados procedimentos e disposições legais sobre imigração, saúde, alfândega e demais matérias relativas à entrada e saída de navios, de acordo com as normas que se estabeleçam ou práticas que se recomendem, de tempos em tempos, nos termos do presente Convênio. Nenhum dispositivo deste Convênio será interpretado no sentido de impedir o estabelecimento de portos livres ou zonas francas.

Artigo 3

Cada Estado Contratante se compromete a colaborar a fim de conseguir o maior grau possível de uniformidade nos procedimentos e disposições legais relativos à entrada e saída de navios, bem como no tratamento de seus passageiros, tripulação, carga e bagagem, em tudo quanto essa uniformidade facilite e melhore o transporte aquático internacional.

Artigo 4

a. Para esse fim, a Conferência Portuária Interamericana da Organização dos Estados Americanos adotará e modificará, de tempos em tempos, quando for necessário, as normas interamericanas e as práticas recomendadas com respeito às formalidades, requisitos e trâmites pertinentes para uma eficaz e econômica entrada e saída de navios, e para o adequado e expeditivo tratamento de seus passageiros, tripulação, carga e bagagem.

b. Um grupo de técnicos dos Governos dos Estados Contratantes, criado na Comissão Técnica Permanente de Portos articulada ao Conselho Interamericano Econômico e Social, estudará e proporá à consideração da Conferência Portuária Interamericana, de tempos em tempos, quando for necessário e por intermédio da Comissão, as normas e práticas recomendadas.

Artigo 5

a. Para a adoção, pela Conferência Portuária Interamericana, das normas e das práticas recomendadas, ou emendas às mesmas, a que se refere o parágrafo (a) do Artigo 4, exigir-se-á o voto de dois terços das Delegações acreditadas dos Estados Contratantes que assistam à Conferência.

b. As normas e as práticas recomendadas, que hajam sido aprovadas, e toda emenda às mesmas, entrarão em vigor três meses depois de ser transmitidas aos Estados Contratantes, salvo se esse período for prorrogado pela Conferência ou se, nesse ínterim, a maioria dos Estados Contratantes der conhecimento de seu desacôrdo à Secretaria Geral da Organização dos Estados Americanos.

c. As normas e práticas recomendadas e as emendas às mesmas constituirão um Anexo do presente Convênio, após sua entrada em vigor, sujeitas ao disposto no Artigo 6.

d. A Secretaria Geral notificará os Estados Contratantes da data de entrada em vigor das normas e das práticas recomendadas e das emendas às mesmas.

Artigo 6

a. Qualquer Estado Contratante que considere impossível cumprir uma norma interamericana, ou ajustar inteiramente seus regulamentos ou práticas a tal norma, quando esta tenha sido modificada, ou que considere necessário adotar regulamentos ou práticas que difiram dos estabelecidos por norma interamericana, notificará imediatamente a Secretaria Geral da Organização dos Estados Americanos as diferenças existentes entre seu próprio regulamento ou prática e o estabelecido pela norma interamericana.

b. Quando se tratar de emendas às normas interamericanas, qualquer Estado Contratante que não proceder às modificações correspondentes em seus próprios regulamentos ou práticas, disso dará ciência à Secretaria Geral dentro de sessenta dias contados da data da aprovação da emenda à norma interamericana, ou indicará as medidas que se propõe tomar.

c. Em todos os casos, a Secretaria Geral notificará os demais Estados Contratantes a respeito das diferenças existentes, em um ou mais aspectos, entre a norma interamericana e o regulamento ou prática correspondente do Estado em questão.

Artigo 7

O presente Convênio ficará aberto à assinatura ou adesão dos Estados membros da Organização dos Estados Americanos ou de qualquer outro Estado que houver sido convidado a assinar ou aderir por indicação do Conselho da Organização dos Estados Americanos.

Artigo 8

a. O instrumento original do presente Convênio, cujos textos em português, espanhol, francês e inglês são igualmente autênticos, será depositado na Secretaria Geral da Organização dos Estados Americanos, que enviará cópias autenticadas aos governos dos Estados signatários, para fins de ratificação.

b. Este Convênio será ratificado pelos Estados signatários de acordo com as respectivas normas constitucionais. Os instrumentos de ratificação e os de adesão serão depositados na Secretaria Geral da Organização dos Estados Americanos, que notificará do referido depósito os governos dos Estados signatários e os governos dos Estados aderentes.

Artigo 9

O presente Convênio entrará em vigor no trigésimo dia após a data em que fôr depositado na Secretaria Geral da Organização dos Estados Americanos o décimo-primeiro instrumento de ratificação ou de adesão. Em relação a cada Estado que ratificar o Convênio ou aderir ao mesmo depois do depósito do décimo-primeiro instrumento de ratificação ou de adesão, o Convênio entrará em vigor no trigésimo dia após haver o referido Estado depositado o respectivo instrumento de ratificação ou de adesão.

Artigo 10

A Comissão Técnica Permanente de Portos se encarregará de dar continuidade ao cumprimento deste Convênio, inclusive da revisão periódica das normas e das práticas recomendadas. A Comissão, por iniciativa própria ou por recomendação de um Estado Contratante, convidará o grupo de técnicos a que se refere o parágrafo (b) do Artigo 4, a estudar a conveniência e a exequibilidade de qualquer projeto de emenda ao Anexo mencionado no parágrafo (c) do Artigo 5, e a fazer recomendações a respeito. Se o exame e estudo de qualquer dessas emendas interessar aos Congressos Interamericanos de Turismo ou aos Congressos Pan-Americanos de Estradas de Rodagem, estes serão consultados.

Artigo 11

A adoção de qualquer emenda ao presente Convênio exigirá o voto, na Conferência Portuária Interamericana, de dois terços das Delegações dos Estados Contratantes, acreditadas e presentes, e entrará em vigor, em relação aos Estados que a tenham ratificado de acôrdo com as respectivas normas constitucionais, trinta dias após ser depositado, na Secretaria Geral da Organização dos Estados Americanos, o número de ratificações que, para êsse fim, determinar a referida Conferência.

Artigo 12

a. O presente Convênio poderá ser denunciado por qualquer dos Estados Contratantes, em qualquer momento, depois de decorridos quatro anos contados da data em que o Convênio entrar em vigor para êsse Estado.

b. A denúncia se fará mediante uma notificação, por escrito, dirigida à Secretaria Geral da Organização dos Estados Americanos, que informará os demais Estados Contratantes a respeito de qualquer denúncia que receber e da data do recebimento da mesma.

c. A denúncia entrará em vigor após o decurso de um ano ou prazo maior que se determinar na notificação, depois do seu recebimento pela Secretaria Geral da Organização.

EM TESTEMUNHO DO QUE, os Plenipotenciários abaixo-assinados, devidamente autorizados por seus respectivos governos, firmam o presente Convênio. Feito em Mar del Plata, aos sete dias do mês de junho de mil novecentos e sessenta e três.

RESSALVAS E DECLARAÇÕES

Ressalva da Delegação do Chile

O Chile assina o presente Convenio com a ressalva de aplicar, em virtude de convenios bilaterais ou multilaterais em vigor, um tratamento mais favorável no que tange a normas e procedimentos relacionados com o transporte marítimo internacional.

Declaração da Delegação do Chile

A Delegação do Chile declara, ao firmar o Convenio Interamericano para Facilitar o Transporte Aquático Internacional (Convenio de Mar del Plata), julgar que o mesmo em nada afeta outros convenios relativos ao transporte marítimo internacional, que continuarão em pleno vigor e aplicação.

Mar del Plata, Argentina
7 de junho de 1963


(f) ANDRES AVENDAÑO FUENZALIDA
Delegado de Chile

CONVENTION INTERAMERICAINE
VISANT A FACILITER LES TRANSPORTS INTERNATIONAUX
PAR NAVIGATION MARITIME OU INTERIEURE
(CONVENTION DE MAR DEL PLATA)

Afin de faciliter les services de transport internationaux par voies maritime et fluviale dans l'Hémisphère occidental, en réduisant à un minimum les formalités, les prescriptions en matière de documents et les procédures d'entrée et de congé des bâtiments et de traitement des passagers, de l'équipage, de la cargaison et des bagages, les Etats contractants, s'inspirant de la Charte de Punta del Este et de la Déclaration de San José sur le développement, l'administration et les opérations des ports des Amériques, sont convenus de conclure la Convention ci-après:

Article 1

Chaque Etat contractant s'engage à adopter, par la promulgation de règlements spéciaux ou de toute autre manière, toutes mesures tendant à faciliter et à accélérer les services de transport par eau entre les territoires des Etats contractants, ainsi qu'à éviter des retards inutiles aux navires, à leurs passagers, équipage, cargaison et bagages, spécialement en ce qui concerne l'application des lois relatives à l'immigration, à la quarantaine, aux douanes, et aux autres dispositions applicables à la réception et au congé des bâtiments.

Article 2

Chaque Etat contractant s'engage à établir, dans la mesure du possible, les règlements et dispositions légales concernant l'immigration, la santé, les douanes, et toutes autres matières relatives à la réception et au congé des navires, conformément aux normes qui pourraient être établies ou aux pratiques qui seraient recommandées, de temps à autre, en application de la présente Convention. Aucune disposition de la présente Convention ne pourra être interprétée comme empêchant la création de ports francs ou de zones franches.

Article 3

Chaque Etat contractant s'engage à prêter son concours pour atteindre le plus haut degré réalisable d'uniformité dans les procédures et dispositions légales relatives à la réception et au congé des bâtiments, ainsi qu'en ce qui concerne le traitement des passagers, de l'équipage, de la cargaison et des bagages, dans tous les domaines où une telle uniformité facilitera et améliorera le transport international par eau.

Article 4

a. A cet effet, la Conférence interaméricaine des Ports de l'Organisation des Etats Américains adoptera, et les modifiera de temps à autre selon les nécessités, les normes interaméricaines et les pratiques recommandées concernant les formalités, les dispositions et les procédures nécessaires en vue d'assurer, dans des conditions efficaces et économiques, l'entrée et le congé des bâtiments, ainsi qu'un traitement rapide et convenable des passagers, de l'équipage, de la cargaison et des bagages.

b. Un groupe d'experts des Gouvernements des Etats contractants, créé au sein du Comité technique permanent des Ports rattaché au Conseil économique et social interaméricain, étudiera et proposera les normes et les pratiques recommandées par les soins du Comité, de temps à autre et selon les nécessités, à la Conférence interaméricaine des Ports.

Article 5

a. L'adoption des normes et pratiques recommandées, et des amendements qui y seraient apportés par la Conférence interaméricaine des Ports, selon l'Article 4, paragraphe a., devra recueillir les suffrages des deux tiers des Délégations accréditées des Etats contractants, assistant à la Conférence.

b. Les normes et pratiques recommandées qui auraient été approuvées, et tout amendement qui y serait apporté, prendront effet trois mois après leur soumission aux Etats contractants, ou à la fin de toute période plus longue que pourrait prescrire la Conférence, à moins que, dans l'intervalle, une majorité d'Etats contractants ne fasse connaître son avis contraire au Secrétariat général de l'Organisation des Etats Américains.

c. Les normes et les pratiques recommandées, et leurs amendements, constitueront une Annexe à la présente Convention après son entrée en vigueur, et seront soumis aux dispositions de l'Article 6.

d. Le Secrétariat général notifiera à chacun des Etats contractants la date d'entrée en vigueur des normes et des pratiques recommandées, et de leurs amendements.

Article 6

a. L'Etat contractant qui juge impossible de se conformer en tous points à une norme interaméricaine, ou de mettre ses propres règlements ou pratiques en complet accord avec une telle norme lorsque celle-ci aura été modifiée, ou qui estime nécessaire d'adopter des règles ou des pratiques différant sur un point quelconque de ce qu'établit une des normes interaméricaines, notifiera immédiatement au Secrétariat général de l'Organisation des Etats Américains les différences existant entre ses propres règlements ou pratiques et ce qu'établit la norme interaméricaine.

b. S'il s'agit d'amendements à des normes interaméricaines, tout Etat contractant qui n'apportera pas à ses propres règlements ou pratiques les modifications correspondantes, en avisera le Secrétariat général dans les soixante jours qui suivront l'adoption de l'amendement, ou indiquera les mesures qu'il se propose de prendre à cet égard.

c. Dans tous les cas, le Secrétariat général notifiera à tous les autres Etats les différences existant sur un ou plusieurs points, entre la norme interaméricaine et la règle ou pratique correspondante en usage dans l'Etat en question.

Article 7

La présente Convention sera ouverte à la signature ou à l'adhésion des Etats membres de l'Organisation des Etats Américains, ou de tout autre Etat qui, sur l'indication du Conseil de l'Organisation des Etats Américains, aurait été invité à la signer ou à y adhérer.

Article 8

a. L'instrument original de la présente Convention, dont les textes en langues anglaise, espagnole, française et portugaise font également foi, sera déposé auprès du Secrétariat général de l'Organisation des Etats Américains, qui en transmettra des copies certifiées conformes aux gouvernements aux fins de ratification.

b. Cette Convention sera ratifiée par les Etats signataires conformément à leurs procédures constitutionnelles respectives. Les instruments de ratification et les instruments d'adhésion seront déposés auprès du Secrétariat général de l'Organisation des Etats Américains, qui notifiera ce dépôt à chacun des gouvernements des Etats signataires et à chacun des gouvernements des Etats adhérents.

Article 9

La présente Convention entrera en vigueur le treizième jour après la date du dépôt du onzième instrument de ratification ou d'adhésion auprès du Secrétariat général de l'Organisation des Etats Américains. Pour chaque Etat ratifiant la Convention ou y adhérant après le dépôt du onzième instrument de ratification ou d'adhésion, la Convention entrera en vigueur le treizième jour après le dépôt par ledit Etat de son instrument de ratification ou d'adhésion.

Article 10

Le Comité technique permanent des Ports se chargera d'assurer la continuité de la mise en oeuvre de la présente Convention, et de procéder notamment à un examen périodique des normes et des pratiques recommandées. Sur sa propre initiative ou sur la demande d'un Etat contractant, le Comité invitera le Groupe d'Experts prévu au paragraphe b. de l'Article 4 à étudier l'opportunité et la possibilité de tout projet d'amendement à apporter à l'Annexe mentionnée au paragraphe c. de l'Article 5, et à formuler des recommandations à cet égard. Si l'incidence de l'étude de tout amendement est susceptible d'intéresser les Congrès interaméricains du Tourisme ou les Congrès panaméricains des Routes, ceux-ci seront consultés.

Article 11

Pour être adopté, tout projet d'amendement à la présente Convention doit être approuvé par les deux tiers des délégations des Etats contractants accréditées à la Conférence interaméricaine des Ports et y assistant; il entre alors en vigueur à l'égard des Etats qui l'ont ratifié conformément à leurs procédures constitutionnelles, trente jours après le dépôt auprès du Secrétariat général de l'Organisation des Etats Américains, du nombre d'instruments de ratification que cette Conférence aura fixé à cet effet.

Article 12

a. La présente Convention pourra être dénoncée en tout temps par un des Etats contractants, après que quatre ans se seront écoulés à partir de la date où cette Convention sera entrée en vigueur dans ce même Etat.

b. La dénonciation se fera par une notification écrite adressée au Secrétariat général de l'Organisation des Etats Américains, qui informera tous les autres Etats contractants au sujet de toute dénonciation reçue par lui et de la date de réception de celle-ci.

c. La dénonciation prendra effet après une année, ou après un délai plus long qui serait déterminé dans la notification, à dater du jour où elle aurait été reçue par le Secrétariat général de l'Organisation.

EN FOI DE QUOI les Plénipotentiaires soussignés, dûment autorisés par leurs Gouvernements respectifs, signent la présente Convention.
Fait à Mar del Plata, le sept juin mil neuf cent soixante-trois.

RESERVES ET DECLARATIONS

Reserve de la Delegation du Chili

Le Chili signe la présente Convention sous réserve d'appliquer, en vertu d'accords bilatéraux ou multilatéraux en vigueur, un traitement plus favorable en matière de normes et de procédés concernant le transport maritime international.

Declaration de la Delegation du Chile

La Délégation du Chile déclare, en signant la Convention interaméricaine visant à faciliter les Transports internationaux par Navigation maritime ou intérieure (Convention de Mar del Plata), qu'elle estime que celle-ci n'affecte en rien d'autres accords relatifs au transport maritime international, lesquels demeurent pleinement en vigueur et continueront d'être appliqués.

Mar del Plata, Argentina
le 7 juin 1963


(signé) ANDRÉS AVENDANO FUENZALIDA
Délégué du Chili

[Aquí siguen las firmas de los Plenipotenciarios]

[Here follow the signatures of the Plenipotentiaries]

[Seguem-se as assinaturas dos plenipotenciários]

[Suivent les signatures des Plénipotentiaires]

Certifico que el documento preinserto es copia fiel del original del Convenio Interamericano para Facilitar el Transporte Acuático Internacional (Convenio de Mar del Plata), suscrito en la Segunda Conferencia Portuaria Interamericana, Mar del Plata, Argentina, 29 mayo - 7 junio de 1963.

15 de julio de 1963

I hereby certify that the foregoing document is a true and faithful copy of the original of the Inter-American Convention on Facilitation of International Waterborne Transportation (Convention of Mar del Plata), signed at the Second Inter-American Port and Harbor Conference, Mar del Plata, Argentina, May 29 - June 7, 1963.

July 15, 1963

Certifico que o documento transcrito é cópia fiel do original do Convênio Interamericano para Facilitar o Transporte Aquático Internacional (Convênio de Mar del Plata), assinado na Segunda Conferência Portuária Interamericana, Mar del Plata, Argentina, 29 maio - 7 junho 1963.

15 julho 1963

Je certifie que le document qui précède est une copie conforme du texte original de la Convention Interaméricaine visant à Faciliter les Transports Internationaux par Navigation Maritime ou Interieure (Convention de Mar del Plata), signée à la Deuxième Conférence Interaméricaine des Ports, Mar del Plata, Argentine, 29 mai - 7 juin 1963.

15 juillet 1963

William Sanders

Secretario General Adjunto
de la Organización de los
Estados Americanos

Assistant Secretary General
of the Organization of
American States

Secretário Geral Adjunto
da Organização dos
Estados Americanos

Secrétaire général adjoint
de l'Organisation des
Etats Américains

SERIE SOBRE TRATADOS No. 31
OEA DOCUMENTOS OFICIALES OEA Ser.A 71a(SEPF)

**CONVENCIÓN PARA LA PROTECCIÓN DE LA FLORA, DE LA FAUNA,
Y DE LAS BELLEZAS ESCENICAS NATURALES DE LOS PAISES
DE AMERICA**

Abierta a la firma el 12 de octubre de 1940 en la Union Panamericana

**CONVENTION ON NATURE PROTECTION AND WILD LIFE PRESERVATION
IN THE WESTERN HEMISPHERE**

Opened for signature at the Pan American Union, October 1940

**CONVENÇÃO PARA A PROTEÇÃO DA FLORA, DA FAUNA E DAS BELEZAS
CÊNICAS NATURAIS DOS PAÍSES DA AMÉRICA**

Aberta à assinatura em 12 de outubro de 1940 na União Pan-Americana

**CONVENTION POUR LA PROTECTION DE LA FLORE, DE LA FAUNE ET
DES BEAUTÉS PANORAMIQUES NATURELLES DES PAYS
DE L'AMÉRIQUE**

Ouverte à la signature le 12 octobre 1940, à l'Union Panaméricaine

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UNION PANAMERICANA
Secretaría General, Organización de los Estados Americanos
WASHINGTON, D. C., 1964

Esta serie se publica bajo la dirección de la División Jurídica General,
Departamento de Asuntos Jurídicos, Unión Panamericana, Washington, D.C.

**CONVENCION PARA LA PROTECCION DE LA FLORA,
DE LA FAUNA, Y DE LAS BELLEZAS ESCENICAS
NATURALES DE LOS PAISES DE AMERICA**

PREAMBULO

Los Gobiernos Americanos deseosos de proteger y conservar en su medio ambiente natural, ejemplares de todas las especies y géneros de su flora y su fauna indígenas, incluyendo las aves migratorias, en número suficiente y en regiones lo bastante vastas para evitar su extinción por cualquier medio al alcance del hombre; y

Deseosos de proteger y conservar los paisajes de incomparable belleza, las formaciones geológicas extraordinarias, las regiones y los objetos naturales de interés estético o valor histórico o científico, y los lugares donde existen condiciones primitivas dentro de los casos a que esta Convención se refiere; y

Deseosos de concertar una convención sobre la protección de la flora, la fauna, y las bellezas escénicas naturales dentro de los propósitos arriba enunciados, han convenido en los siguientes Artículos:

ARTICULO I

Definición de los términos y expresiones empleados en esta Convención.

1. Se entenderá por PARQUES NACIONALES:

Las regiones establecidas para la protección y conservación de las bellezas escénicas naturales y de la flora y la fauna de importancia nacional, de las que el público pueda disfrutar mejor al ser puestas bajo la vigilancia oficial.

2. Se entenderá por RESERVAS NACIONALES:

Las regiones establecidas para la conservación y utilización, bajo vigilancia oficial, de las riquezas naturales, en las cuales se dará a la flora y la fauna toda protección que sea compatible con los fines para los que son creadas estas reservas.

3. Se entenderá por MONUMENTOS NATURALES:

Las regiones, los objetos o las especies vivas de animales o plantas de interés estético o valor histórico o científico, a los cuales se les da protección absoluta. Los Monumentos Naturales se crean con el fin de conservar un objeto específico o una especie determinada de flora o fauna declarando una región, un objeto o una especie aislada, monumento natural inviolable excepto para realizar investigaciones científicas debidamente autorizadas, o inspecciones gubernamentales.

4. Se entenderá por RESERVAS DE REGIONES VIRGENES:

Una región administrada por los poderes públicos, donde existen condiciones primitivas naturales de flora, fauna, vivienda y comunicaciones, con ausencia de caminos para el tráfico de motores y vedada a toda explotación comercial.

5. Se entenderá por AVES MIGRATORIAS:

Las aves pertenecientes a determinadas especies, todos los individuos de las cuales o algunos de ellos, cruzan, en cualquier estación del año, las fronteras de los países de América. Algunas especies de las siguientes familias de aves pueden citarse como ejemplos de aves migratorias: Charadriidae, Scolopacidae, Caprimulgidae, Hirundinidae.

ARTICULO II

1. Los Gobiernos Contratantes estudiarán inmediatamente la posibilidad de crear, dentro del territorio de sus respectivos países, los parques nacionales, las reservas nacionales, los monumentos naturales, y las reservas de regiones vírgenes definidos en el artículo precedente. En todos aquellos casos en que dicha creación sea factible se comenzará la misma tan pronto como sea conveniente después de entrar en vigor la presente Convención.

2. Si en algún país la creación de parques o reservas nacionales, monumentos naturales o reservas de regiones vírgenes no fuera factible en la actualidad, se seleccionarán a la brevedad posible los sitios, objetos o especies vivas de animales o plantas, según sea el caso, que se transformarán en parques o reservas nacionales, monumentos naturales o reservas de regiones vírgenes tan pronto como a juicio de las autoridades del país, lo permitan las circunstancias.

3. Los Gobiernos Contratantes notificarán a la Unión Panamericana de la creación de parques nacionales, reservas nacionales, monumentos naturales y reservas de regiones vírgenes, y de la legislación y los sistemas administrativos adoptados a este respecto.

ARTICULO III

Los Gobiernos Contratantes convienen en que los límites de los parques nacionales no serán alterados ni enajenada parte alguna de ellos sino por acción de la autoridad legislativa competente. Las riquezas existentes en ellos no se explotarán con fines comerciales.

Los Gobiernos Contratantes convienen en prohibir la caza, la matanza y la captura de especímenes de la fauna y la destrucción y recolección de ejemplares de la flora en los parques nacionales, excepto cuando se haga por las autoridades del parque o por orden o bajo la vigilancia de las mismas, o para investigaciones científicas debidamente autorizadas.

Los Gobiernos Contratantes convienen además en proveer los parques nacionales de las facilidades necesarias para el solaz y la educación del público, de acuerdo con los fines que persigue esta Convención.

ARTICULO IV

Los Gobiernos Contratantes acuerdan mantener las reservas de regiones vírgenes inviolables en tanto sea factible, excepto para la investigación científica debidamente autorizada y para inspección gubernamental, o para otros fines que estén de acuerdo con los propósitos para los cuales la reserva ha sido creada.

ARTICULO V

1. Los Gobiernos Contratantes convienen en adoptar o en recomendar a sus respectivos cuerpos legislativos competentes, la adopción de leyes y reglamentos que aseguren la protección y conservación de la flora y fauna dentro de sus respectivos territorios y fuera de los parques y reservas nacionales, monumentos naturales y de las reservas de regiones vírgenes mencionados en el Artículo II. Dichas reglamentaciones contendrán disposiciones que permitan la caza o recolección de ejemplares de fauna y flora para estudios e investigaciones científicos por individuos y organismos debidamente autorizados.

2. Los Gobiernos Contratantes convienen en adoptar o en recomendar a sus respectivos cuerpos legislativos la adopción de leyes que aseguren la protección y conservación de los paisajes, las formaciones geológicas extraordinarias, y las regiones y los objetos naturales de interés estético o valor histórico o científico.

ARTICULO VI

Los Gobiernos Contratantes convienen en cooperar los unos con los otros para promover los propósitos de esta Convención. Con este objeto prestarán la ayuda necesaria, que sea compatible con su legislación nacional, a los hombres de ciencia de las Repúblicas americanas que se dedican a las investigaciones y exploraciones; podrán, cuando las circunstancias lo justifiquen, celebrar convenios los unos con los otros o con instituciones científicas de las Américas que tiendan a aumentar la eficacia de su colaboración; y pondrán a la disposición de todas las Repúblicas, por igual, ya sea por medio de su publicación o de cualquiera otra manera, los conocimientos científicos que lleguen a obtenerse por medio de esas labores de cooperación.

ARTICULO VII

Los Gobiernos Contratantes adoptarán las medidas apropiadas para la protección de las aves migratorias de valor económico o de interés estético o para evitar la extinción que amenace a una especie determinada. Se adoptarán medidas que permitan, hasta donde los respectivos gobiernos lo crean conveniente, utilizar racionalmente las aves migratorias, tanto en el deporte como en la alimentación, el comercio, la industria y para estudios e investigaciones científicos.

ARTICULO VIII

La protección de las especies mencionadas en el Anexo a esta Convención es de urgencia e importancia especial. Las especies allí incluidas serán protegidas tanto como sea posible y sólo las autoridades competentes del país podrán autorizar la caza, matanza, captura o recolección de ejemplares de dichas especies. Estos permisos podrán concederse solamente en circunstancias especiales cuando sean necesarios para la realización de estudios científicos o cuando sean indispensables en la administración de la región en que dicho animal o planta se encuentre.

ARTICULO IX

Cada uno de los Gobiernos Contratantes tomará las medidas necesarias para la vigilancia y reglamentación de las importaciones, exportaciones y tránsito de especies protegidas de flora o fauna, o parte alguna de las mismas, por los medios siguientes:

1. Concesión de certificados que autoricen la exportación o tránsito de especies protegidas de flora o fauna, o de sus productos.

2. Prohibición de las importaciones de cualquier ejemplar de fauna o flora protegido por el país de origen, o parte alguna del mismo, si no está acompañado de un certificado expedido de acuerdo con las disposiciones del Párrafo 1 de este Artículo, autorizando su exportación.

ARTICULO X

1. Las disposiciones de la presente Convención no reemplazan los acuerdos internacionales celebrados previamente por una o más de las altas partes contratantes.

2. La Unión Panamericana suministrará a los Gobiernos Contratantes toda información pertinente a los fines de la presente Convención que le sea comunicada por cualquier museo nacional, u organismo nacional o internacional, creado dentro de sus jurisdicciones e interesado en los fines que persigue la Convención.

ARTICULO XI

1. El original de la presente Convención en español, inglés, portugués y francés será depositado en la Unión Panamericana y abierto a la firma de los Gobiernos Americanos el 12 de octubre de 1940.

2. La presente Convención quedará abierta a la firma de los Gobiernos Americanos. Los instrumentos de ratificación serán depositados en la Unión Panamericana, la cual notificará el depósito y la fecha del mismo, así como el texto de cualquier declaración o reserva que los acompañe, a todos los Gobiernos Americanos.

3. La presente Convención entrará en vigor tres meses después de que se hayan depositado en la Unión Panamericana no menos de cinco ratificaciones.

4. Cualquiera ratificación que se reciba después de que la presente Convención entre en vigor tendrá efecto tres meses después de la fecha del depósito de dicha ratificación en la Unión Panamericana.

ARTICULO XII

1. Cualquiera de los Gobiernos Contratantes podrá denunciar la presente Convención en todo momento dando aviso por escrito a la Unión Panamericana. La denuncia tendrá efecto un año después del

recibo de la notificación respectiva por la Unión Panamericana. Ninguna denuncia, sin embargo, surtirá efecto sino cinco años después de entrar en vigor la presente Convención.

2. Si como resultado de denuncias simultáneas o sucesivas el número de Gobiernos Contratantes se reduce a menos de tres, la Convención dejará de tener efecto desde la fecha en que, de acuerdo con las disposiciones del Párrafo precedente, la última de dichas denuncias tenga efecto.

3. La Unión Panamericana notificará a todos los Gobiernos Americanos las denuncias y las fechas en que comiencen a tener efecto.

4. Si la Convención dejara de tener vigencia según lo dispuesto en el Párrafo segundo del presente artículo, la Unión Panamericana notificará a todos los Gobiernos Americanos la fecha en que la misma cese en sus efectos.

EN FE DE LO CUAL, los infrascritos plenipotenciarios, después de haber depositado sus Plenos Poderes, que se han encontrado en buena y debida forma, firman y sellan esta Convención en la Unión Panamericana, Washington, D. C., en nombre de sus respectivos Gobiernos, en las fechas indicadas junto a sus firmas.

RESERVA HECHA AL MOMENTO DE LA FIRMA

El Representante de la República Argentina firma la presente Convención con la siguiente reserva:

Las riquezas existentes en los Parques Nacionales sólo podrán ser explotadas con fines comerciales en aquellas regiones que, a pesar de carecer de las características necesarias para ser consideradas como tales, han sido incorporadas a su régimen al solo efecto de mantener la uniformidad de acción a desarrollar dentro de aquéllos y cuando dichas explotaciones no alteren el concepto general de la ley que los califique y sean suficientes como para mantener el principio del fomento regional que indique la necesidad de cada país.

**CONVENTION ON NATURE PROTECTION AND
WILD LIFE PRESERVATION IN THE
WESTERN HEMISPHERE**

PREAMBLE

The governments of the American Republics, wishing to protect and preserve in their natural habitat representatives of all species and genera of their native flora and fauna, including migratory birds, in sufficient numbers and over areas extensive enough to assure them from becoming extinct through any agency within man's control; and

Wishing to protect and preserve scenery of extraordinary beauty, unusual and striking geologic formations, regions and natural objects of aesthetic, historic or scientific value, and areas characterized by primitive conditions in those cases covered by this Convention; and

Wishing to conclude a convention on the protection of nature and the preservation of flora and fauna to effectuate the foregoing purposes, have agreed upon the following articles:

ARTICLE I

Description of terms used in the wording of this Convention.

1. The expression NATIONAL PARKS shall denote:

Areas established for the protection and preservation of superlative scenery, flora and fauna of national significance which the general public may enjoy and from which it may benefit when placed under public control.

2. The expression NATIONAL RESERVES shall denote:

Regions established for conservation and utilization of natural resources under government control, on which protection of animal and plant life will be afforded in so far as this may be consistent with the primary purpose of such reserves.

3. The expression NATURE MONUMENTS shall denote:

Regions, objects, or living species of flora or fauna of aesthetic, historic or scientific interest to which strict protection is given. The purpose of nature monuments is the protection of a specific object, or a species of flora or fauna, by setting aside an area, an object, or a single species, as an inviolate nature monument, except for duly authorized scientific investigations or government inspection.

4. The expression STRICT WILDERNESS RESERVES shall denote:

A region under public control characterized by primitive conditions of flora, fauna, transportation and habitation wherein there is no provision for the passage of motorized transportation and all commercial developments are excluded.

5. The expression MIGRATORY BIRDS shall denote:

Birds of those species, all or some of whose individual members, may at any season cross any of the boundaries between the American countries. Some of the species of the following families are examples of birds characterized as migratory: Charadriidae, Scolopacidae, Caprimulgidae, Hirundinidae.

ARTICLE II

1. The Contracting Governments will explore at once the possibility of establishing in their territories national parks, national reserves, nature monuments, and strict wilderness reserves as defined in the preceding article. In all cases where such establishment is feasible, the creation thereof shall be begun as soon as possible after the effective date of the present Convention.

2. If in any country the establishment of national parks, national reserves, nature monuments, or strict wilderness reserves is found to be impractical at present, suitable areas, objects or living species of fauna or flora, as the case may be, shall be selected as early as possible to be transformed into national parks, national reserves, nature monuments or strict wilderness reserves as soon as, in the opinion of the authorities concerned, circumstances will permit.

3. The Contracting Governments shall notify the Pan American Union of the establishment of any national parks, national reserves, nature monuments, or strict wilderness reserves, and of the legislation, including the methods of administrative control, adopted in connection therewith.

ARTICLE III

The Contracting Governments agree that the boundaries of national parks shall not be altered, or any portion thereof be capable of alienation, except by the competent legislative authority. The resources of these reserves shall not be subject to exploitation for commercial profit.

The Contracting Governments agree to prohibit hunting, killing and capturing of members of the fauna and destruction or collection of representatives of the flora in national parks except by or under the direction or control of the park authorities, or for duly authorized scientific investigations.

The Contracting Governments further agree to provide facilities for public recreation and education in national parks consistent with the purposes of this Convention.

ARTICLE IV

The Contracting Governments agree to maintain the strict wilderness reserves inviolate, as far as practicable, except for duly authorized scientific investigations or government inspection, or such uses as are consistent with the purposes for which the area was established.

ARTICLE V

1. The Contracting Governments agree to adopt, or to propose such adoption to their respective appropriate law-making bodies, suitable laws and regulations for the protection and preservation of flora and fauna within their national boundaries, but not included in the national parks, national reserves, nature monuments, or strict wilderness reserves referred to in Article II hereof. Such regulations shall contain proper provisions for the taking of specimens of flora and fauna for scientific study and investigation by properly accredited individuals and agencies.

2. The Contracting Governments agree to adopt, or to recommend that their respective legislatures adopt, laws which will assure the protection and preservation of the natural scenery, striking geological formations, and regions and natural objects of aesthetic interest or historic or scientific value.

ARTICLE VI

The Contracting Governments agree to cooperate among themselves in promoting the objectives of the present Convention. To this end they will lend proper assistance, consistent with national laws, to scientists of the American Republics engaged in research and field study; they may, when circumstances warrant, enter into agreements with one another or with scientific institutions of the Americas in order to increase the effectiveness of this collaboration; and they shall make available to all the American Republics equally through publication or otherwise the scientific knowledge resulting from such cooperative effort.

ARTICLE VII

The Contracting Governments shall adopt appropriate measures for the protection of migratory birds of economic or aesthetic value or to prevent the threatened extinction of any given species. Adequate measures shall be adopted which will permit, in so far as the respective governments may see fit, a rational utilization of migratory birds for the purpose of sports as well as for food, commerce, and industry, and for scientific study and investigation.

ARTICLE VIII

The protection of the species mentioned in the Annex to the present Convention, is declared to be of special urgency and importance. Species included therein shall be protected as completely as possible, and their hunting, killing, capturing, or taking, shall be allowed only with the permission of the appropriate government authorities in the country. Such permission shall be granted only under special circumstances, in order to further scientific purposes, or when essential for the administration of the area in which the animal or plant is found.

ARTICLE IX

Each Contracting Government shall take the necessary measures to control and regulate the importation, exportation and transit of protected fauna or flora or any part thereof by the following means:

1. The issuing of certificates authorizing the exportation or transit of protected species of flora or fauna, or parts thereof.

2. The prohibition of the importation of any species of fauna or flora or any part thereof protected by the country of origin unless accompanied by a certificate of lawful exportation as provided for in Paragraph 1 of this Article.

ARTICLE X

1. The terms of this convention shall in no way be interpreted as replacing international agreement previously entered into by one or more of the High Contracting Powers.

2. The Pan American Union shall notify the Contracting Parties of any information relevant to the purposes of the present Convention communicated to it by any national museums or by any organizations, national or international, established within their jurisdiction and interested in the purposes of the Convention.

ARTICLE XI

1. The original of the present Convention in Spanish, English, Portuguese and French shall be deposited with the Pan American Union and opened for signature by the American Governments on October 12, 1940.

2. The present Convention shall remain open for signature by the American Governments. The instruments of ratification shall be deposited with the Pan American Union, which shall notify their receipt and the dates thereof, and the terms of any accompanying declarations or reservations, to all participating Governments.

3. The present Convention shall come into force three months after the deposit of not less than five ratifications with the Pan American Union.

4. Any ratification received after the date of the entry into force of the Convention, shall take effect three months after the date of its deposit with the Pan American Union.

ARTICLE XII

1. Any Contracting Government may at any time denounce the present Convention by a notification in writing addressed to the Pan American Union. Such denunciation shall take effect one year after the date of the receipt of the notification by the Pan American Union,

provided, however, that no denunciation shall take effect until the expiration of five years from the date of the entry into force of this Convention.

2. If, as the result of simultaneous or successive denunciations, the number of Contracting Governments is reduced to less than three, the Convention shall cease to be in force from the date on which the last of such denunciations takes effect in accordance with the provisions of the preceding paragraph.

3. The Pan American Union shall notify all of the American Governments of any denunciations and the date on which they take effect.

4. Should the Convention cease to be in force under the provisions of Paragraph 2 of this article, the Pan American Union shall notify all of the American Governments, indicating the date on which this will become effective.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having deposited their full powers found to be in due and proper form, sign this Convention at the Pan American Union, Washington, D. C., on behalf of their respective Governments and affix thereto their seals on the dates appearing opposite their signatures.

RESERVATION MADE AT THE TIME OF SIGNING

The Representative of Argentina signs the present Convention with the following reservation:

Existing resources in national parks may only be exploited for commercial purposes in those regions which, despite their lack of the characteristics necessary to be considered national parks, have been incorporated into the system solely to maintain a uniformity of action in those areas, and when such exploitation will not be contrary to the general purpose of the law which established them, and the exploitation is sufficient to maintain the principle of regional development according to the needs of each country.

CONVENÇÃO PARA A PROTEÇÃO DA FLORA, DA FAUNA E DAS BELEZAS CÊNICAS NATURAIS DOS PAÍSES DA AMÉRICA

PREÂMBULO

Os Governos Americanos, desejosos de proteger e conservar no seu ambiente natural exemplares de tódas as espécies e gêneros da flora e fauna indígenas, incluindo aves migratórias, em número suficiente e em locais que sejam bastante extensos para que se evite, por todos os meios humanos, a sua extinção; e

Desejosos de proteger e conservar as paisagens de grande beleza, as formações geológicas extraordinárias, as regiões e os objetos naturais de interesse estético ou valor histórico ou científico, e os lugares caracterizados por condições primitivas dentro dos casos aos quais esta Convenção se refere; e

Desejosos de formular uma convenção para a proteção da flora, da fauna e das belezas cênicas naturais dentro dos propósitos acima enunciados, convieram nos seguintes artigos:

ARTIGO I

Definição dos termos e das expressões empregados nesta Convenção:

1. Entender-se-á por PARQUES NACIONAIS:

As regiões estabelecidas para a proteção e conservação das belezas cênicas naturais e da flora e fauna de importância nacional das quais o público pode aproveitar-se melhor ao serem postas sob a superintendência oficial.

2. Entender-se-á por RESERVAS NACIONAIS:

As regiões estabelecidas para a conservação e utilização, sob a vigilância oficial, das riquezas naturais, nas quais se protegerá a flora e a fauna tanto quanto compatível com os fins para os quais estas reservas são criadas.

3. Entender-se-á por MONUMENTOS NATURAIS:

A regiões, os objetos, ou as espécies vivas de animais ou plantas, de interesse estético ou valor histórico ou científico, aos quais é dada proteção absoluta, com o fim de conservar um objeto específico ou uma espécie determinada de flora ou fauna, declarando uma região, um objeto, ou uma espécie isolada, monumento natural inviolável, exceto para a realização de investigações científicas devidamente autorizadas, ou inspeções oficiais.

4. Entender-se-á por RESERVAS DE REGIÕES VIRGENS:

Uma região administrada pelos poderes públicos, onde existem condições primitivas naturais de flora, fauna, habitação e transporte, com ausência de caminhos para o tráfico de veículos e onde é proibida toda exploração comercial.

5. Entender-se-á por AVES MIGRATÓRIAS:

As aves pertencentes a determinadas espécies, cujos indivíduos, ou alguns deles, atravessam, em qualquer estação do ano, as fronteiras dos países da América. Algumas espécies das seguintes famílias podem ser citadas como exemplos de aves migratórias: Charadriidae, Scolopacidae, Caprimulgidae, Hirundinidae.

ARTIGO II

1. Os Governos Contratantes estudarão imediatamente a possibilidade de criar, dentro do território de seus respectivos países, os parques nacionais, as reservas nacionais, os monumentos naturais, e as reservas de regiões virgens definidos no artigo precedente. Em todos os casos em que esta criação seja exequível, será promovida logo que conveniente depois de entrar em vigor a presente Convenção.

2. Se em algum país a criação de parques ou reservas nacionais, monumentos naturais, ou reservas de regiões virgens não for exequível na atualidade, escolher-se-ão tão depressa quanto possível os sítios, objetos ou espécies vivas de animais ou plantas, segundo o caso, que serão transformados em parques ou reservas nacionais, monumentos naturais ou reservas de regiões virgens logo que, na opinião das autoridades do país, as circunstâncias o permitam.

3. Os Governos Contratantes notificarão à União Pan-Americana a criação de parques e reservas nacionais, monumentos naturais, e reservas de regiões virgens, e a legislação e sistemas administrativos adotados a este respeito.

ARTIGO III

Os Governos Contratantes acordam em que os limites dos parques nacionais não serão alterados nem alienada parte alguma d'elles a não ser pela ação de autoridade legislativa competente, e que as riquezas nêles existentes não serão exploradas para fins comerciais.

Os Governos Contratantes resolvem proibir a caça, a matança e a captura de espécimes da fauna e a destruição e coleção de exemplares da flora nos parques nacionais, a não ser pelas autoridades do parque, ou por ordem ou sob a vigilância das mesmas, ou para investigações científicas devidamente autorizadas.

Os Governos Contratantes concordam ainda mais em prover os parques nacionais das facilidades necessárias para o divertimento e a educação do público, de acôrdo com os fins visados por esta Convenção.

ARTIGO IV

Os Governos Contratantes resolvem manter invioláveis as reservas de regiões virgens, até o ponto em que seja exequível, exceto para investigações científicas devidamente autorizadas, e para inspeção oficial, ou para outros fins que estejam de acôrdo com os propósitos para os quais a reserva foi criada.

ARTIGO V

1. Os Governos Contratantes resolvem adotar ou recomendar aos seus respectivos corpos legislativos competentes, a adoção de leis e regulamentos que assegurem a proteção e conservação da flora e fauna dentro de seus respectivos territórios, e fora dos parques e reservas nacionais, monumentos naturais, e reservas de regiões virgens mencionados no Artigo II. Tais regulamentos conterão disposições que permitam a caça ou coleção de exemplares de fauna e flora para estudos e investigações científicos por indivíduos e organismos devidamente autorizados.

2. Os Governos Contratantes acordam em adotar ou em recomendar aos seus respectivos corpos legislativos a adoção de leis que assegurem a proteção e conservação das paisagens, das formações geológicas extraordinárias, das regiões e dos objetos naturais de interesse estético ou valor histórico ou científico.

ARTIGO VI

Os Governos Contratantes resolvem cooperar uns com os outros para promover os propósitos desta Convenção. Visando êste fim, prestarão o auxílio necessário, que seja compatível com a sua legislação nacional, aos homens de ciência das Repúblicas americanas que se dedicam às investigações e explorações; poderão, quando as circunstâncias o justificarem, celebrar convênios uns com os outros ou com instituições científicas das Américas que tendam a aumentar a eficácia de sua colaboração; e porão ao dispor de tōdas as Repúblicas, igualmente, seja por meio de sua publicação ou de qualquer outra maneira, os conhecimentos científicos obtidos por meio dēste trabalho de cooperação.

ARTIGO VII

Os Governos Contratantes adotarão medidas apropriadas para a proteção das aves migratórias de valor econômico ou de interesse estético ou para evitar a extinção que ameace a uma espécie determinada. Adotar-se-ão medidas que permitam, até o ponto em que os respectivos governos achem conveniente, a utilização racional das aves migratórias, tanto no desporto como na alimentação, no comércio, na indústria e para estudos e investigações científicas.

ARTIGO VIII

A proteção das espécies mencionadas no Anexo a esta Convenção é de urgência e importância especial. As espécies aí incluídas serão protegidas tanto quanto seja possível e somente as autoridades competentes do país poderão autorizar a caça, matança, captura ou coleção de exemplares de tais espécies. A permissão para isso será concedida somente em circunstâncias especiais quando necessária para a realização de estudos científicos ou quando indispensável na administração da região em que se encontra tal planta ou animal.

ARTIGO IX

Cada um dos Governos Contratantes tomará as medidas necessárias para a superintendência e regulamentação das importações, exportações e trânsito de espécies protegidas de flora e fauna, e de seus produtos pelos seguintes meios:

1. Concessão de certificados que autorizem a exportação ou trânsito de espécies protegidas de flora ou fauna ou de seus produtos.

2. Proibição da importação de quaisquer exemplares de fauna ou flora protegidos pelo país de origem, e de seus produtos, se estes não estão acompanhados de um certificado expedido de acordo com as disposições do parágrafo 1 deste artigo, autorizando sua exportação.

ARTIGO X

1. As disposições da presente Convenção não substituem de maneira nenhuma os acordos internacionais previamente celebrados por um ou mais dos Governos Contratantes.

2. A União Pan-Americana subministrará aos Governos Contratantes toda informação pertinente aos fins da presente Convenção que lhe seja comunicada por qualquer museu nacional, ou organismo nacional ou internacional, criado dentro de suas jurisdições e interessado nos fins visados pela Convenção.

ARTIGO XI

1. O original da presente Convenção em português, espanhol, inglês e francês será depositado na União Pan-Americana e aberto à assinatura dos Governos Americanos em 12 de outubro de 1940.

2. A presente Convenção permanecerá aberta para a assinatura dos Governos Americanos. Os instrumentos de ratificação serão depositados na União Pan-Americana, a qual notificará o depósito e a data dos mesmos assim como o texto de qualquer declaração ou reserva que os acompanhe, a todos os Governos Americanos.

3. A presente Convenção entrará em vigor três meses depois que se hajam depositado na União Pan-Americana não menos que cinco ratificações.

4. Qualquer ratificação que se receba depois que a presente Convenção entre em vigor terá efeito três meses depois da data do depósito de tal ratificação na União Pan-Americana.

ARTIGO XII

1. Qualquer dos Governos Contratantes poderá denunciar a presente Convenção quando queira, por meio de um aviso por escrito à União Pan-Americana. A denúncia entrará em vigor um ano depois do recebimento da respectiva notificação pela União Pan-Americana. Nenhuma denúncia, no entanto, terá efeito antes de cinco anos contados da vigência da presente Convenção.

2. Se como resultado de denúncias simultâneas ou sucessivas, o número de Governos Contratantes se reduzir a menos de três, a Convenção deixará de funcionar na data em que, de acordo com as disposições do parágrafo precedente, a última destas denúncias entrar em vigor.

3. A União Pan-Americana notificará a todos os Governos Americanos as denúncias e as datas em que começarão a ter efeito.

4. Se a Convenção deixar de ter vigência de acordo com as estipulações contidas no segundo parágrafo do presente artigo, a União Pan-Americana notificará a todos os Governos Americanos a data em que a mesma cessar de ter efeito.

EM FÉ DO QUE, os infra-escritos Plenipotenciários, depois de ter depositado os seus plenos poderes, que foram encontrados em boa e devida forma, assinam e selam esta Convenção na União Pan-Americana, Washington, D. C., em nome dos seus respectivos Governos, nas datas indicadas junto às suas assinaturas.

RESERVA FEITA NA ASSINATURA

O Representante da Argentina assina a presente Convenção com a seguinte reserva:

As riquezas existentes nos Parques Nacionais só poderão ser exploradas para fins comerciais naquelas regiões que, apesar de carecer das características necessárias para ser consideradas como tais, tenham sido incorporadas a seu regime somente para o efeito de manter a uniformidade de ação a desenvolver dentro daqueles, e quando ditas explorações não alterem o conceito geral da lei que os qualifique e sejam suficientes para manter o princípio do fomento regional que indique a necessidade de cada país.

**CONVENTION POUR LA PROTECTION DE LA FLORE,
DE LA FAUNE ET DES BEAUTÉS PANORAMIQUES
NATURELLES DES PAYS DE L'AMÉRIQUE**

PREAMBULE

Les Gouvernements des Républiques américaines, désireux de protéger et de conserver dans leur ambiance naturelle des spécimens de tous les espèces et genres de la flore et de la faune indigènes, y compris les oiseaux migrateurs, en nombre suffisant et dans des régions assez étendues pour prévenir leur extinction par quelque moyen que ce soit ou par la main de l'homme; et

Désireux de protéger et de conserver les paysages d'une beauté rare, les formations géologiques frappantes, les régions et les objets naturels ayant une valeur esthétique, historique ou scientifique, et les endroits où se rencontrent des conditions primitives, dans les cas visés par la présente Convention; et

Désireux de conclure une convention sur la protection de la flore, de la faune et des beautés panoramiques naturelles dans les limites des buts indiqués ci-dessus, ont convenu des Articles suivants:

ARTICLE I

Définition des termes et expressions employés dans la présente Convention.

1. L'expression PARCS NATIONAUX signifie:

Les régions établies pour la protection et la conservation des beautés panoramiques naturelles, de la flore et de la faune à caractéristiques nationales, et dont le public pourra jouir davantage lorsqu'elles seront placées sous la surveillance officielle.

2. L'expression RÉSERVES NATIONALES signifie:

Les régions établies pour la conservation et l'utilisation des richesses nationales sous la surveillance officielle, et dans lesquelles il sera donné à la flore et à la faune la plus grande protection possible, en tenant compte des fins pour lesquelles seront établies ces réserves.

3. L'expression MONUMENTS NATURELS signifie:

Les régions, les objets ou les espèces vivantes animales ou végétales ayant une valeur esthétique, historique ou scientifique, auxquelles sera donné une protection absolue. Les monuments naturels sont établis dans le but de conserver soit un objet déterminé, soit une espèce déterminée de flore ou de faune, en déclarant qu'une région, un objet ou une espèce unique constituent un monument naturel inviolable, sauf pour des études scientifiques dûment autorisées, ou des examens effectués par le gouvernement.

4. L'expression RÉSERVES DE RÉGIONS VIERGES signifie:

Les régions qui sont sous le contrôle de l'autorité publique, où la flore, la faune, les habitations sont restées à l'état naturel primitif et où n'existe aucun moyen de transport moderne et dans lesquelles est interdite toute exploitation commerciale.

5. L'expression OISEAUX MIGRATEURS signifie:

Les oiseaux appartenant à des espèces déterminées et dont tous ou quelques-uns traversent les frontières des pays de l'Amérique, à une époque quelconque de l'année. Comme exemple d'oiseaux migrateurs, on peut citer certaines espèces des genres suivants: Charadriidae, Scolopacidae, Caprimulgidae, Hirundinidae.

ARTICLE II

1. Les Gouvernements Contractants étudieront immédiatement la possibilité de créer, dans le territoire de leurs pays respectifs, les parcs nationaux, les réserves nationales, les monuments naturels et les réserves de régions vierges visés à l'article précédent. Dans tous les cas où ladite création sera possible elle sera effectuée à la diligence des gouvernements après l'entrée en vigueur de la présente Convention.

2. Si, dans un pays quelconque, il n'est pas possible, pour le moment, d'établir les parcs et réserves nationaux, les monuments naturels ou les réserves de régions vierges, il sera choisi, cependant des sites, des objets, des espèces vivantes d'animaux ou de plantes, selon le cas, lesquels seront constitués en parcs et réserves nationaux, monuments naturels ou réserves de régions vierges, quand des autorités du pays jugeront que les circonstances le permettent.

3. Les Gouvernements Contractants notifieront à l'Union Panaméricaine la création des parcs et réserves nationaux, des monuments naturels et des réserves de régions vierges, ainsi que les lois et les règlements administratifs qui les régissent.

ARTICLE III

Les Gouvernements Contractants conviennent que les limites des parcs nationaux ne seront pas modifiées, et qu'aucune partie de ces parcs ne sera désaffectée sans l'intervention de l'autorité législative compétente. Les richesses que renferment ces parcs ne seront pas exploitées pour des fins commerciales.

Les Gouvernements Contractants s'engagent à interdire la chasse, la destruction ou la capture de spécimens de faune, ainsi que la destruction ou l'appropriation pour des fins personnelles de spécimens de flore dans les parcs nationaux, sauf par les autorités des parcs ou par leurs ordres ou sous leur surveillance, ou encore par des missions de recherche scientifique dûment autorisées.

Les Gouvernements Contractants s'engagent en outre à prévoir dans les parcs nationaux les facilités nécessaires pour la récréation et l'instruction du public, conformément à l'esprit de la présente Convention.

ARTICLE IV

Les Gouvernements Contractants s'engagent à maintenir, dans les limites du possible, l'inviolabilité des réserves de régions vierges, sauf pour les recherches scientifiques, dûment autorisées, et pour les inspections gouvernementales, ou pour toutes autres fins compatibles avec les buts de la création des réserves en question.

ARTICLE V

1. Les Gouvernements Contractants conviennent d'adopter les règlements nécessaires à assurer la protection et la conservation de la flore et de la faune dans tout leur territoire en plus des parcs et réserves nationaux, monuments naturels et réserves de régions vierges visés à l'Article II, et de recommander à leurs corps législatifs l'adoption de lois à cette fin. Lesdits règlements contiendront des dispositions permettant à des personnes ou Institutions autorisées d'obtenir des spécimens de faune et de flore pour des études et recherches scientifiques.

2. Les Gouvernements Contractants conviennent d'adopter les règlements nécessaires pour assurer la protection et la conservation des paysages, des formations géologiques rares, et des régions et objets naturels ayant une valeur esthétique, historique ou scientifique, et de recommander à leurs corps législatifs l'adoption de lois à cet effet.

ARTICLE VI

Les Gouvernements Contractants s'engagent à s'entraider dans l'accomplissement des fins de la présente Convention. Dans ce but ils prêteront toute l'assistance nécessaire, dans les limites de leurs lois respectives, aux hommes de science des Républiques américaines qui s'occupent de recherches et d'explorations; il pourront, lorsque les circonstances le justifieront, conclure entre eux ou avec des Institutions scientifiques des Amériques, des conventions ou contrats destinés à augmenter l'efficacité de leur collaboration; et feront bénéficier à toutes les autres Républiques américaines, par leurs publications, ou par tous autres moyens, des résultats scientifiques des travaux faits en collaboration.

ARTICLE VII

Les Gouvernements Contractants prendront les mesures nécessaires pour la protection des oiseaux migrateurs ayant une valeur économique ou un intérêt esthétique, ou pour empêcher l'extinction qui en menace une espèce déterminée. Les mesures adoptées permettront, à la discrétion des Gouvernements intéressés, l'utilisation rationnelle des oiseaux migrateurs tant pour les sports que pour l'alimentation, le commerce, et l'industrie que pour les études et recherches scientifiques.

ARTICLE VIII

La protection des espèces mentionnées dans l'annexe à la présente Convention est considérée comme étant d'une urgence et d'une importance spéciales. Lesdites espèces feront l'objet de la protection la plus complète possible, et seules les autorités compétentes du pays pourront autoriser la chasse, la mise à mort, la capture ou l'appropriation pour des fins personnelles des spécimens de ces espèces. De telles autorisations ne pourront être accordées que dans des conditions spéciales pour faciliter des études scientifiques ou lorsqu'elles seront indispensables à la bonne administration de la région où se trouvent les animaux ou plantes en question.

ARTICLE IX

Chacun des Gouvernements Contractants prendra les mesures nécessaires pour surveiller et réglementer les importations, exportations et transports des espèces de flore et de faune ainsi protégées, ou de parties constituantes de celles-ci, par les moyens suivants:

1. La concession de certificats permettant l'exportation ou le transport des espèces de flore et de faune protégées, ou de leurs produits.

2. Interdiction de l'importation de tous spécimens de faune ou de flore protégées par le pays d'origine, ou de parties quelconques de ces spécimens, à moins qu'ils ne soient accompagnés d'un certificat établi suivant les dispositions de l'alinéa 1 du présent Article, autorisant leur exportation.

ARTICLE X

1. Les dispositions de la présente Convention ne remplacent pas les accords internationaux conclus antérieurement par une ou plusieurs des Hautes Parties Contractantes.

2. L'Union Panaméricaine fera parvenir à la connaissance des Gouvernements Contractants tous renseignements relatifs aux fins de la présente Convention qui lui seront communiqués par les musées, les services publics ou institutions s'intéressant aux fins poursuivies par la présente Convention.

ARTICLE XI

1. L'original de la présente Convention rédigé en espagnol, en anglais, en portugais et en français, sera déposé aux archives de l'Union Panaméricaine pour la signature des Gouvernements américains à partir du 12 octobre 1940.

2. La présente Convention restera ouverte à la signature des Gouvernements américains. Les instruments de ratification seront déposés aux archives de l'Union Panaméricaine, laquelle notifiera ces dépôts à tous les Gouvernements américains avec leurs dates et toutes déclarations ou réserves qui les accompagneraient.

3. La présente Convention entrera en vigueur trois mois après le dépôt aux archives de l'Union Panaméricaine de cinq ratifications.

4. Toute ratification reçue après l'entrée en vigueur de la Convention produira ses effets trois mois après la date du dépôt de ladite ratification aux archives de l'Union Panaméricaine.

ARTICLE XII

1. Tout Gouvernement Contractant pourra, à n'importe quel moment, dénoncer cette Convention en faisant parvenir à cet effet une notification écrite à l'Union Panaméricaine. La dénonciation produira ses effets un an après la réception, par l'Union Panaméricaine, de la notification en question. Cependant, aucune dénonciation ne produira d'effets durant les cinq années qui suivront immédiatement l'entrée en vigueur de la Convention.

2. Si, par suite de dénonciations simultanées ou successives, le nombre des Gouvernements Contractants se réduit à moins de trois, la Convention cessera de sortir ses effets à partir de la date à laquelle, suivant les dispositions de l'alinéa précédent, la dernière de ces dénonciations aura produit ses effets.

3. L'Union Panaméricaine notifiera à tous les Gouvernements américains les dénonciations et les dates auxquelles elles commenceront à produire leur effets.

4. Au cas où la Convention cesserait d'être en vigueur en vertu des dispositions de l'alinéa 2 du présent Article, l'Union Panaméricaine notifiera à tous les Gouvernements américains la date à laquelle la Convention devra cesser d'être en vigueur.

EN FOI DE QUOI les plénipotentiaires soussignés, ayant déposé leurs pleins pouvoirs, lesquels ont été trouvés en bonne et due forme, ont signé la présente Convention à l'Union Panaméricaine, à Washington, D. C., au nom de leurs gouvernements respectifs, et y ont apposé leurs sceaux aux dates figurant en regard de leurs signatures.

RESERVE FAITE AU MOMENT DE LA SIGNATURE

Le Représentant de la République Argentine signe la présente Convention avec la réserve suivante:

Les richesses que renferment les Parcs nationaux ne pourront être exploitées à des fins commerciales que dans les régions qui, bien que ne réunissant pas les conditions pour être considérées comme des parcs nationaux, ont été soumises au régime de ceux-ci à seul effet de maintenir l'unité d'action et toutes les fois que pareille exploitation, n'enfreignant pas le sens général de la loi dont les parcs tiennent leur qualification, se borne à soutenir le principe du développement régional selon les besoins de chaque pays.

**CONVENCION PARA LA PROTECCION DE LA FLORA, DE LA FAUNA,
Y DE LAS BELLEZAS ESCENICAS NATURALES DE LOS PAISES
DE AMERICA**

Abierta a la firma en la Unión Panamericana el 12 de octubre de 1940

| Países signatarios | Fecha del depósito del instrumento de ratificación |
|---------------------------|--|
| Argentina* | Junio 27, 1946* |
| Bolivia | |
| Brasil | |
| Colombia | |
| Costa Rica | |
| Cuba | |
| Chile | |
| Ecuador | Octubre 20, 1944 |
| El Salvador | Diciembre 2, 1941 |
| Estados Unidos de América | Abril 28, 1941 |
| Guatemala | Agosto 14, 1941 |
| Haití | Enero 31, 1942 |
| México | Marzo 27, 1942 |
| Nicaragua | Mayo 22, 1946 |
| Perú | Noviembre 22, 1946 |
| República Dominicana | Marzo 3, 1942 |
| Uruguay | |
| Venezuela | Noviembre 3, 1941 |

* Con reservas.

Nota: Esta Convención entró en vigor el 1° de mayo de 1942, tres meses después de efectuarse del depósito de la quinta ratificación.

Octubre 30, 1964

SERIE SOBRE TRATADOS No. 32

OEA DOCUMENTOS OFICIALES OEA/Ser.X/6.1 (SEPF)

**TRATADOS Y CONVENCIONES
SUSCRITOS EN LA SEGUNDA
CONFERENCIA INTERNACIONAL AMERICANA**

México, 22 de octubre de 1901 31 de enero de 1902

**TREATIES AND CONVENTIONS
SIGNED AT THE SECOND INTERNATIONAL
CONFERENCE OF AMERICAN STATES**

Mexico City, October 22, 1901 January 31, 1902

**TRATADOS E CONVENÇÕES
FIRMADOS NA SEGUNDA
CONFERÊNCIA INTERNACIONAL AMERICANA**

México, 22 de outubro de 1901-31 de janeiro de 1902

**TRAITÉS ET CONVENTIONS
SIGNÉS À LA DEUXIÈME
CONFÉRENCE INTERNATIONALE AMÉRICAINE**

Mexico, 22 Octobre 1901 31 janvier 1902

UNION PANAMERICANA

Secretaría General, Organización de los Estados Americanos

Washington, D.C.

1966

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1. Clasificación que le ha sido reservada dentro de la Serie de "Documentos Oficiales de la OEA". Classification of each agreement in the "OAS Official Records" series. Classificação que lhe foi dada na Serie "OEA Documentos oficiais". Cote attribuée au document dans la série "OEA Documents officiels".

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**TRATADOS Y CONVENCIONES
SUSCRITOS EN LA SEGUNDA
CONFERENCIA INTERNACIONAL AMERICANA**

**TREATIES AND CONVENTIONS
SIGNED AT THE SECOND INTERNATIONAL
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**TRATADOS E CONVENÇÕES
FIRMADOS NA SEGUNDA
CONFERÊNCIA INTERNACIONAL AMERICANA**

**TRAITÉS ET CONVENTIONS
SIGNÉS À LA DEUXIÈME
CONFÉRENCE INTERNATIONALE AMÉRICAINE**

CONVENCION

PARA LA FORMACION DE LOS
CODIGOS DE DERECHO INTER-
NACIONAL PUBLICO Y PRIVADO
DE AMERICA¹

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes señores Delegados:

[Siguen los nombres de los señores Delegados.]

Quienes, después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención para la formación de los Códigos de Derecho Internacional Público y Privado de América, en los siguientes términos:

1. La Comisión de que trata esta Convención no llegó a ser nombrada, ya que dicha Convención no logró el indispensable número de ratificaciones.

CONVENTION

FOR THE FORMATION OF CODES
ON PUBLIC AND PRIVATE
INTERNATIONAL LAW¹

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay;

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act ad referendum, have agreed to a Convention for the formation of Codes on Public and Private International Law in the following terms:

1. The committee provided for in this Convention was not appointed because the convention did not receive the requisite number of ratifications.

CONVENÇÃO

PARA A FORMAÇÃO DOS CÓDIGOS
DE DIREITO INTERNACIONAL
PÚBLICO E PRIVADO¹

(Tradução feita na União Pan-Americana)

Suas Excelências os Presidentes das Repúblicas Argentina, Bolívia, Colômbia, Costa Rica, Chile, República Dominicana, Equador, El Salvador, Estados Unidos da América do Norte, Guatemala, Haiti, Honduras, Estados Unidos Mexicanos, Nicarágua, Paraguai, Peru e Uruguai;

Desejando que seus respectivos países estivessem representados na Segunda Conferência Internacional Americana, enviaram à mesma, devidamente autorizados para aprovar as recomendações, resoluções, convenções e tratados que julgassem úteis aos interesses da América, os seguintes Senhores Delegados:

[Seguem-se os nomes dos Senhores Delegados].

Que, depois de ter apresentado seus plenos poderes que foram encontrados em boa e devida forma, com exceção dos exibidos pelos representantes do Presidente dos Estados Unidos da América, da Nicarágua e do Paraguai, que atuarão ad referendum, acordaram em celebrar uma Convenção para a formação dos Códigos de

1. A Comissão de que trata esta Convenção não chegou a ser nomeada, uma vez que a dita Convenção não obteve o número indispensável de ratificações.

CONVENTION

POUR LA RÉDACTION DES CODES
DE DROIT INTERNATIONAL
PUBLIC ET DE DROIT INTERNATIONAL
PRIVÉ DE L'AMÉRIQUE¹

Leurs Excellences le Président de la République Argentine, celui de Bolivie, celui de Colombie, celui de Costa Rica, celui du Chili, celui de la République Dominicaine, celui de l'Équateur, celui du Salvador, celui des États-Unis d'Amérique, celui du Guatemala, celui d'Haïti, celui du Honduras, celui des États-Unis Mexicains, celui de Nicaragua, celui du Paraguay, celui du Pérou et celui de l'Uruguay,

Désirant que leurs pays respectifs soient représentés à la Seconde Conférence Internationale Américaine, y ont envoyé dûment autorisés pour approuver les recommandations, décisions, conventions et traités qu'ils jugeraient utiles aux intérêts de l'Amérique, Messieurs les Délégués suivants:

[Suivent les noms des Délégués]

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme - à l'exception de ceux exhibés par les représentants de Leurs Excellences le Président des États-Unis d'Amérique, celui du Nicaragua et celui du Paraguay, qui agissent ad referendum - ont convenu de conclure une Convention pour la rédaction d'un Code de

1. La Commission indiquée dans cette Convention n'a pas été désignée, parce qu'elle n'a pas obtenu le nombre indispensable de ratifications.

Art. 1. El Secretario de Estado de los Estados Unidos de América y los Ministros de las Repúblicas signatarias, acreditados en Washington, nombrarán una Comisión de cinco jurisconsultos de América y dos europeos de reconocida reputación, que se encargarán de organizar, en el intervalo de la actual á la futura Conferencia, y á la mayor brevedad posible, un Código de Derecho Internacional Público y otro de Derecho Internacional Privado, que regirán las relaciones entre las Naciones de América.

Art. 2. Redactados dichos Códigos, la Comisión los hará imprimir, y los someterá á la consideración de los Gobiernos de las Naciones Americanas, para que propongan las observaciones que juzguen convenientes.

Art. 3. Coordinadas sistemáticamente esas observaciones y revisados los Códigos, conforme á ellas, por la Comisión que los haya redactado, esos Códigos serán nuevamente sometidos á los Gobiernos de las Repúblicas de América, para que los adopten los Estados que así lo tengan á bien, ya sea en la próxima Conferencia Internacional Americana ó ya por medio de tratados celebrados directamente.

Art. 4. La Comisión encargada de la redacción de los Códigos funcionará en la capital europea ó americana que designe el Cuerpo Diplomático autorizado para nombrarla, conforme al art. 1o.

Los gastos que ocasione esta Convención serán cubiertos por los Gobiernos signatarios, en la forma y proporción acordadas para la actual Oficina Internacional de las Repúblicas Americanas.

Art. 5. Los Gobiernos que tengan á bien ratificar la presente Convención, lo comunicarán al Secretario de Estado de los Estados Unidos de América, antes de un año, contado

Art. 1. The Secretary of State of the United States of America and the Ministers of the American Republics accredited in Washington shall appoint a Committee of five American and two European jurists, of acknowledged reputation, to be entrusted with the drafting, during the interval from the present to the next Conference, and in the shortest possible time, of a Code of Public International Law and another of Private International Law which will govern the relations between the American Nations.

Art. 2. As soon as said Codes have been drafted, the Committee shall cause them to be printed and submit them to the consideration of the respective Governments of the American Nations, in order that they may make such suggestions as they may deem advisable.

Art. 3. After said suggestions have been systematically classified, and the Codes have been revised in conformity with them by the Committee which drafted them, they shall be submitted again to the Governments of the American Republics to be adopted by those who desire it, either in the next American International Conference or by means of treaties negotiated directly.

Art. 4. The Committee in charge of the drafting of the Codes shall conduct its work at such European or American capital as the Diplomatic Corps authorized to appoint it may designate, in conformity with art. 1.

Such expense as may be incurred by this Convention shall be defrayed by the signatory Governments in the same form and proportion as those in force with regard to the Bureau of American Republics.

Art. 5. The Governments that may desire to ratify the present Convention may communicate it to the Secretary of State of the United States of America, within one year counted

Direito Internacional Público e Privado da América, nos seguintes termos:

Art. 1. O Secretário de Estado dos Estados Unidos da América e os Ministros das Repúblicas signatárias, acreditados em Washington, nomearão uma Comissão de cinco juristas da América e dois europeus de reconhecida reputação, que se encarregarão de organizar, no intervalo da atual à futura Conferência, e com a maior brevidade possível, um Código de Direito Internacional Público e outro de Direito Internacional Privado, que regerão as relações entre as Nações da América.

Art. 2. Uma vez redigidos ditos Códigos, a Comissão os fará imprimir, e os apresentará à consideração dos Governos das Nações Americanas, para que proponham as observações que julgarem convenientes.

Art. 3. Depois de sistematicamente coordenadas essas observações e revistos os Códigos em conformidade com elas, pela Comissão que os tenha redigido, serão eles novamente apresentados às Repúblicas da América para serem adotados por aquelas que o entendam fazer, seja na próxima Conferência Internacional Americana ou por meio de tratados celebrados diretamente.

Art. 4. A Comissão encarregada da redação dos Códigos, funcionará na capital europeia ou americana que lhe seja designada pelo Corpo Diplomático autorizado para o fazer como prescreve o art. 1.

As despesas a que esta Convenção der lugar serão cobertas pelos Governos signatários, na forma e proporção das adotadas para a Secretaria Internacional das Repúblicas Americanas.

Art. 5. Os Governos que entenderem conveniente ratificar a presente Convenção, devem comunicá-lo à Secretaria de Estado dos Esta-

Droit International Public et d'un Code de Droit International Privé, dans les termes suivants:

Art. 1. Le Secrétaire d'État des États-Unis et les Ministres des Républiques Américaines, accrédités à Washington nommeront une Commission de cinq juristes d'Amérique et de deux Européens, de réputation établie, qui se chargera d'organiser, dans l'intervalle de l'actuelle à la future Conférence, et dans le plus bref délai possible, un Code de Droit International Public, et un autre Code de Droit International Privé, qui régiront les relations entre les Nations d'Amérique.

Art. 2. Ces Codes, une fois rédigés, la Commission les fera imprimer et les soumettra à l'appréciation des Gouvernements des Nations Américaines, afin qu'ils fassent les observations qu'ils jugeraient convenables.

Art. 3. Ces observations se trouvant systématiquement coordonnées, et les Codes étant révisés conformément à celles-ci, par la Commission qui les a rédigés, ces Codes seront, de nouveau, soumis aux Gouvernements des Républiques d'Amérique, afin que ceux qui le jugent convenable les adoptent, soit lors de la prochaine Conférence Internationale Américaine, soit au moyen de traités directement passés.

Art. 4. La Commission chargée de la rédaction des Codes, remplira ses fonctions dans la capitale européenne ou américaine que désignera le Corps diplomatique autorisé à la nommer, conformément à l'art. 1.

Les frais entraînés par cette Convention seront couverts par les Gouvernements signataires, dans la forme et dans la proportion fixées pour le Bureau International Actuel des Républiques Américaines.

Art. 5. Les Gouvernements qui voudraient bien ratifier la présente Convention, en feront part au Secrét-

desde la clausura de esta Conferencia.

En fe de lo cual los Plenipotenciarios y Delegados firman la presente Convención y ponen en ella el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México el día veintisiete de enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

[Siguen las firmas de los señores Delegados.]

from the closing of this Conference.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference.

Made in the City of Mexico on the twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

[Here follow the signatures of the Delegates.]

dos Unidos Unidos da América, antes de um ano contado da data de encerramento desta Conferência.

Em testemunho do que, os Plenipotenciários e Delegados assinam a presente Convenção e lhe apõem o selo da Segunda Conferência Internacional Americana.

Feita na Cidade de México aos vinte e sete dias do mês de janeiro de mil novecentos e dois, em três exemplares escritos em castelhano, inglês e francês, respectivamente, que serão depositados na Secretaria das Relações Exteriores do Governo dos Estados Unidos Mexicanos, a fim de que dêles sejam extraídas cópias autenticadas para serem remetidas por via diplomática a cada um dos Estados signatários.

[Seguem-se as assinaturas dos Senhores Delegados].

taire d'État des États-Unis d'Amérique, avant le délai d'un an, à partir de la clôture de cette Conférence.

En foi de quoi, les Plénipotentiaires et Délégués signent la présente Convention et y apposent le sceau de la Seconde Conférence Internationale Américaine.

Fait en la ville de Mexico, le vingt-huit janvier mil neuf cent deux, en trois exemplaires écrits, respectivement, en espagnol, anglais et français, lesquels seront déposés au Ministère des Affaires Étrangères du Gouvernement des États-Unis Mexicains afin d'en faire des copies certifiées pour être envoyées, par la voie diplomatique, à chacun des États signataires.

[Suivent les signatures des Délégués]

CONVENCION

PARA LA PROTECCION DE LAS
OBRAS LITERARIAS Y
ARTISTICAS¹

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay.

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes señores Delegados:

[Siguen los nombres de los señores Delegados.]

Quienes, después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los Representantes de S.S. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención para la protección de las obras literarias y artísticas, en los términos siguientes:

Art. 1. Los Estados signatarios se constituyen en Unión para reconocer y proteger los derechos de pro-

1. Esta Convención fué modificada por la suscrita en la Tercera Conferencia Internacional Americana.

CONVENTION

ON LITERARY AND ARTISTIC
COPYRIGHTS¹

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the Mexican United States, Nicaragua, Paraguay, Peru and Uruguay;

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representative of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act ad referendum, have agreed to celebrate a Convention on literary and artistic copyrights, in the following terms:

Art. 1. The signatory States constitute themselves into a Union for the purpose of recognizing and pro-

1. This Convention was modified by the Convention signed at the Third International Conference of American States.

CONVENÇÃO

PARA A PROTEÇÃO DAS OBRAS
LITERÁRIAS E ARTÍSTICAS¹

(Tradução feita na União Pan-Americana)

Suas Excelências o Presidente da República Argentina, da Bolívia, da Colômbia, de Costa Rica, do Chile, da República Dominicana, do Equador, de El Salvador, dos Estados Unidos da América do Norte, da Guatemala, do Haiti, de Honduras, dos Estados Unidos Mexicanos, da Nicarágua, do Paraguai, do Peru e do Uruguai;

Desejando que seus respectivos países estivessem representados na Segunda Conferência Internacional Americana, enviaram à mesma, devidamente autorizados para aprovar as recomendações, resoluções, convenções e tratados que julgassem úteis aos interesses da América, os seguintes Senhores Delegados:

[Seguem-se os nomes dos Senhores Delegados].

Que, depois de ter apresentado seus plenos poderes que foram encontrados em boa e devida forma, com exceção dos exibidos pelos representantes do Presidente dos Estados Unidos da América, da Nicarágua e do Paraguai, que atuarão ad referendum, acordaram em celebrar uma Convenção para a proteção das obras literárias e artísticas, nos seguintes termos:

1. Esta Convenção foi modificada pela que foi assinada na Terceira Conferência Internacional Americana.

CONVENTION

POUR LA PROTECTION DES
OEUVRES LITTÉRAIRES ET
ARTISTIQUES¹

Leurs Excellences le Président de la République Argentine, celui de Bolivie, celui de Colombie, celui de Costa Rica, celui du Chili, celui de la République Dominicaine, celui de l'Équateur, celui du Salvador, celui des États-Unis d'Amérique, celui du Guatemala, celui d'Haïti, celui du Honduras, celui des États-Unis Mexicains, celui de Nicaragua, celui du Paraguay, celui du Pérou et celui de l'Uruguay,

Désirant que leurs pays respectifs soient représentés à la Seconde Conférence Internationale Américaine, y ont envoyé, dûment autorisés pour approuver les recommandations, décisions, conventions et traités qu'ils jugeraient utiles aux intérêts de l'Amérique, Messieurs les Délégués suivants:

[Suivent les noms des Délégués]

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, à l'exception de ceux exhibés par les représentants de Leurs Excellences le Président des États-Unis d'Amérique, celui du Nicaragua et celui du Paraguay, qui agissent ad referendum, ont convenu de conclure une Convention pour la Protection des Oeuvres littéraires et artistiques, dans les termes suivants:

1. Cette Convention a été modifiée par une autre signée à la Troisième Conférence Internationale Américaine.

propiedad literaria y artística, de conformidad con las estipulaciones de la presente Convención.

Art. 2. En la expresión "obras literarias y artísticas," se comprenden los libros, escritos, folletos de todas clases, cualquiera que sea la materia de que traten y cualquiera que sea el número de sus páginas; las obras dramáticas ó dramático-musicales; las coreografías, las composiciones musicales con ó sin palabras; los dibujos, las pinturas, las esculturas, los grabados; las obras fotográficas, las esferas astronómicas ó geográficas; los planos, croquis ó trabajos plásticos relativos á geografía ó geología, á topografía ó arquitectura, ó á cualquiera ciencia; y, en fin, queda comprendida toda producción del dominio literario y artístico que pueda publicarse por cualquier medio de impresión ó reproducción.

Art. 3. El derecho de propiedad de una obra literaria ó artística comprende, para su autor ó causa-habientes, la facultad exclusiva de disponer de ella, de publicarla, de enajenarla, de traducirla ó de autorizar su traducción, y de reproducirla en cualquiera forma, ya total, ya parcialmente.

Los autores pertenecientes á uno de los países signatarios ó sus causa-habientes gozan en los otros países signatarios, y por el tiempo determinado en el art. 5, del derecho exclusivo de hacer ó autorizar la traducción de sus obras.

Art. 4. Para obtener el reconocimiento del derecho de propiedad de una obra, es condición indispensable que el autor ó sus causa-habientes, ó su representante lógicamente, dirijan al departamento oficial que cada Gobierno firmante designe, una solicitud pidiendo el reconocimiento de aquel derecho, acompañada de dos ejemplares de su obra, que quedarán en el departamento referido.

Si el autor ó sus causa-habientes desearan que el derecho de propiedad

protecting the rights of literary and artistic property, in conformity with the stipulations of the present Convention.

Art. 2. Under the term "literary and artistic works," are comprised books, manuscripts, pamphlets of all kinds, no matter what subject they may treat and what may be the number of their pages; dramatic or melodramatic works; choral music and musical compositions, with or without words, designs, drawings, paintings, sculpture, engravings, photographic works; astronomical and geographical globes; plans, sketches and plastic works relating to geography or geology, topography or architecture, or any other science; and finally, every production in the literary and artistic field, which may be published by any method of impression or reproduction.

Art. 3. The copyright to literary or artistic work, consists in the exclusive right to dispose of the same, to publish, sell and translate the same, or to authorize its translation, and to reproduce the same in any manner, either entirely or partially.

The authors belonging to one of the signatory countries, or their assigns, shall enjoy in the other signatory countries, and for the time stipulated in art. 5, the exclusive right to translate their works, or to authorize their translation.

Art. 4. In order to obtain the recognition of the copyright of a work, it is indispensable that the author or his assigns, or legitimate representative, shall address a petition to the official department, which each Government may designate, claiming the recognition of such right, which petition must be accompanied by two copies of his work, said copies to remain in the proper department.

If the author, or his assigns, should desire that his copyright be recog-

Art. 1. Os Estados signatários se constituem em União para reconhecer e proteger os direitos de propriedade literária e artística, de conformidade com as estipulações da presente Convenção.

Art. 2. Na expressão "obras literárias e artísticas," estão compreendidos os livros, escritos, folhetos de todas as classes, qualquer que seja a matéria de que tratem e qualquer que seja o número de suas páginas; as obras dramáticas e dramático-musicais, as coreográficas, as composições musicais, com ou sem palavras, os desenhos, as pinturas, esculturas e as gravuras, os trabalhos fotográficos, as esferas astronômicas e geográficas, os planos croquis ou trabalhos plásticos relativos à geografia ou geologia, topografia, arquitetura ou a qualquer ciência, e finalmente toda obra que se puder publicar por qualquer meio de impressão ou reprodução.

Art. 3. O direito de propriedade de uma obra literária ou artística compreende, para seu autor ou representantes legais, a faculdade exclusiva de dispor dela, de publicá-la, de vendê-la, de traduzi-la, ou de autorizar a sua tradução e reprodução, em qualquer forma, quer total, quer parcialmente.

Os autores pertencentes a um dos países signatários, ou seus representantes legais, gozarão, nos outros países signatários pelo prazo determinado no art. 5, do direito exclusivo de fazer ou autorizar a tradução de suas obras.

Art. 4. Para obter o reconhecimento do direito de propriedade de uma obra, é condição indispensável que o autor ou seus representantes legais, ou seu representante legítimo, dirijam ao departamento oficial competente que cada Governo signatário designe, uma petição solicitando o

Art. 1. Les États signataires se constituent en Union pour reconnaître et protéger les droits de propriété littéraire et artistique, conformément aux stipulations de la présente Convention.

Art. 2. Dans l'expression "ouvrages littéraires et artistiques" sont compris les livres, écrits, brochures de toutes sortes, quelle que soit la matière dont ils traitent et quel qu'en soit le nombre de pages; les ouvrages dramatiques ou dramatico-musicaux; les choréographies, les compositions musicales, avec ou sans paroles, les dessins, les peintures, les sculptures, les gravures, les ouvrages photographiques, les sphères astronomiques ou géographiques; les plans, croquis ou travaux plastiques relatifs à la géographie ou à la géologie, à la topographie ou à l'architecture ou à toute autre science; est compris, enfin, dans cette expression, toute production du domaine littéraire et artistique pouvant être publiée par un moyen quelconque d'impression ou de reproduction.

Art. 3. Le droit de propriété d'une oeuvre littéraire ou artistique comprend, pour son auteur ou ses ayants droit, la faculté exclusive d'en disposer, de la publier, de l'aliéner, de la traduire ou d'en autoriser la traduction, et de la reproduire sous n'importe quelle forme, soit en totalité soit en partie.

Les auteurs appartenant à un des pays signataires ou leurs ayants droit jouissent, dans les autres pays signataires, et pour la durée déterminée dans l'art. 5, du droit exclusif de faire ou d'autoriser la traduction de leurs ouvrages.

Art. 4. Pour obtenir la reconnaissance du droit de propriété d'une oeuvre, il est indispensable que l'auteur, ou ses ayants droit, ou son représentant légal, adressent au département officiel que chaque Gouvernement signataire désignera, une requête demandant la reconnaissance

les sea reconocido en otros de los países signatarios, acompañarán además á su solicitud tantos ejemplares de su obra, cuantos sean los países que designen.

El mencionado departamento oficial distribuirá entre dichos países los ejemplares referidos acompañados de una copia del certificado, á efecto de que sea en aquéllos reconocido el derecho de propiedad al autor.

Las omisiones en que el departamento pudiera incurrir á este respecto, no darán derecho al autor ó sus causa-habientes, para entablar reclamaciones contra el Estado.

Art. 5. Los autores que pertenezcan á uno de los países signatarios, ó sus causa-habientes, gozarán en los otros países los derechos que las leyes respectivas acuerden actualmente ó acordaren en lo sucesivo á los nacionales, sin que el goce de esos derechos pueda exceder del término de protección acordado en el país de origen.

Para las obras compuestas de varios volúmenes que no se publiquen juntamente, del mismo modo que para los boletines ó entregas de sociedades literarias ó científicas, ó de particulares, el plazo de propiedad comenzará á contarse, respecto de cada volumen, boletín ó entrega, desde la respectiva fecha de su publicación.

Art. 6. Se considerará como país de origen de una obra, el de su primera publicación, ó si ésta ha tenido lugar simultáneamente en varios de los países signatarios, aquel cuya legislación fije el término de protección más corto.

Art. 7. Las traducciones lícitas son protegidas como las obras originales. Los traductores de obras, acerca de los cuales no exista ó se hubiere extinguido el derecho de propiedad garantizado, podrán obtener

nized in any other of the signatory countries, he shall attach to his petition a number of copies of his work, equal to that of the countries he may therein designate.

The said department shall distribute the copies mentioned among those countries, accompanied by a copy of the respective certificate, in order that the copyright of the author may be recognized by them.

Any omissions in which the said department may incur in this respect, shall not give the author, or his assigns, any rights to present claims against the State.

Art. 5. The authors who belong to one of the signatory countries, or their assigns, shall enjoy in the other countries the rights which their respective laws at present grant, or in the future may grant, to their own citizens, but such right shall not exceed the term of protection granted in the country of its origin.

For the works composed of several volumes, which are not published at the same time, as well as for bulletins or instalments of publications of literary or scientific societies, or of private parties, the term of property shall commence to be counted from the date of the publication of each volume, bulletin or instalment.

Art. 6. The country in which a work is first published, shall be considered as the country of its origin, or, if such publication takes place simultaneously in several of the signatory countries, the one whose laws establish the shortest period of protection shall be considered as the country of its origin.

Art. 7. Lawful translations shall be protected in the same manner as original works. The translators of works, in regard to which there exists no guaranteed right of property, or the right of which may have become

reconhecimento daquele direito, acompanhada de dois exemplares de sua obra, que ficarão depositados no referido departamento.

Se o autor ou seus sucessores desejarem que lhes seja reconhecido o direito de propriedade em outros dos países signatários, farão acompanhar a petição de tantos exemplares de sua obra quantos forem os países que designem.

O mencionado departamento oficial distribuirá entre os ditos países os referidos exemplares, fazendo-os acompanhar de uma cópia do certificado, a fim de que seja reconhecido ali o direito de propriedade do autor.

As omissões em que acaso possa o departamento incorrer a êste respeito, não darão direito ao autor ou a seus sucessores, para mover reclamação contra o Estado.

Art. 5. Os autores que pertençam a um dos países signatários, ou seus representantes legais, gozarão nos outros países dos direitos que as leis respectivas concedem atualmente ou venham a conceder no futuro aos nacionais, sem que o gozo de tais direitos possa exceder o termo de proteção concedida no país de origem.

Para as obras composta de vários tomos, não publicados juntamente, do mesmo modo que para os boletins ou distribuições de sociedades literárias ou científicas, ou de particulares, o prazo de propriedade começará a ser contado, relativamente a cada tomo, boletim ou distribuição, a partir da data da respectiva publicação.

Art. 6. Considerar-se-á como país de origem de uma obra, o da sua primeira publicação, ou se esta tiver sido feita simultaneamente em vários dos países signatários, aquêle cuja lei fixar o termo mais breve de proteção.

Art. 7. As traduções lícitas são protegidas como as obras originais.

de ce droit et accompagnée de deux exemplaires de l'ouvrage qui resteront au département précité.

Si l'auteur ou ses ayants droit désireraient que le droit de propriété leur soit reconnu dans d'autres pays signataires, ils joindront, en outre, à leur requête, autant d'exemplaires de l'ouvrage qu'ils désigneraient de pays.

Ledit département officiel distribuera entre lesdits pays les exemplaires en question accompagnés d'une copie du certificat, afin que le droit de propriété soit reconnu à l'auteur dans ces pays.

Les omissions que le département pourrait commettre à ce sujet ne donneront pas à l'auteur ou à ses ayants droit, le droit d'entamer des réclamations contre l'État.

Art. 5. Les auteurs qui appartiennent à un des pays signataires, ou leurs ayants droit, jouiront dans les autres pays des droits que les lois respectives accordent actuellement, ou accorderaient dans la suite, aux nationaux, sans que la jouissance de ces droits puisse excéder le terme de protection accordé dans le pays d'origine.

Pour les ouvrages composés de plusieurs volumes, qui ne seraient pas publiés en même temps, de même que pour les bulletins ou livraisons de sociétés littéraires ou scientifiques, ou de particuliers, le délai de la propriété commencera à courir, relativement à chaque volume, bulletin ou livraison à partir de la date respective de leur publication.

Art. 6. Sera considéré comme pays d'origine d'un ouvrage celui de sa première publication, ou, si celle-ci a eu lieu simultanément dans plusieurs des pays signataires, celui dont la législation fixe le plus court délai de protection.

Art. 7. Les traductions licites sont protégées comme les oeuvres

respecto de sus traducciones, los derechos de propiedad declarados en el Art. 3; mas no podrán impedir la publicación de otras traducciones de la misma obra.

Art. 8. Los artículos de periódicos podrán reproducirse salvos los plazos que designen las leyes locales, citándose la publicación de donde se tomen y expresándose el nombre del autor, si apareciere en ella.

Art. 9. El derecho de propiedad se reconocerá, salva prueba en contrario, á favor de las personas cuyos nombres ó pseudónimos reconocidos estén indicados en la obra literaria ó artística ó en la solicitud á que se refiere el art. 4. de esta Convención.

Art. 10. Pueden publicarse en la prensa periódica, sin necesidad de autorización alguna, los discursos pronunciados ó leídos en asambleas deliberantes, ante los tribunales de justicia ó en las reuniones públicas.

Art. 11. La reproducción de fragmentos de obras literarias ó artísticas en publicaciones destinadas á la enseñanza ó para crestomatías, no confiere ningún derecho de propiedad y puede, por consiguiente, ser hecha libremente en todos los países signatarios.

Art. 12. Se considerarán reproducciones ilícitas las apropiaciones indirectas no autorizadas, de una obra literaria ó artística y que no presenten el carácter de obra original.

Será también considerada ilícita la reproducción, en cualquiera forma, de una obra íntegra ó de la mayor parte de ella, acompañada de notas ó comentarios, á pretexto de crítica literaria, de ampliación ó complemento de la obra original.

Art. 13. Toda obra falsificada podrá ser secuestrada en los países signatarios en que la obra tenga derecho á la protección legal, sin perjuicio de

extinguished, may secure the right of property for their translations, as established in article 3, but they shall not prevent the publication of their translations of the same work.

Art. 8. Newspaper articles may be reproduced, but the publication from which they are taken must be mentioned, and the name of the author given, if it should appear in the same.

Art. 9. Copyright shall be recognized in favor of the persons, whose names, or acknowledged pseudonyms, are stated in the respective literary or artistic work, or in the petition to which art. 4 of this Convention refers, excepting case of proof to the contrary.

Art. 10. Addresses delivered or read in deliberative assemblies, before the courts of justice and in public meetings, may be published in the newspaper press without any special authorization.

Art. 11. The reproduction in publications devoted to public instruction or chrestomathy, of fragments of literary or artistic works, confers no right of property, and may therefore be freely made in all the signatory countries.

Art. 12. All unauthorized indirect use of a literary or artistic work, which does not present the character of an original work, shall be considered as an unlawful reproduction.

It shall be considered in the same manner unlawful to reproduce, in any form, an entire work, or the greater part of the same, accompanied by notes or commentaries, under the pretext of literary criticism, or of enlargement or complement of an original work.

Art. 13. All fraudulent works shall be liable to sequestration in the signatory countries in which the original work may have the right of legal protection, without prejudice to the

Os tradutores de obras que não tenham a garantia do direito de propriedade ou cujo direito esteja extinto, poderão obter, relativamente às traduções, os direitos de propriedade declarados no art. 3, mas não poderão impedir a publicação de outras traduções da mesma obra.

Art. 8. Poderão ser reproduzidos artigos publicados em jornais, exceto nos prazos fixados pelas leis locais, citando-se a publicação de onde tenham sido extraídos e indicando-se o nome do autor, se aparecer.

Art. 9. O direito de propriedade será reconhecido, salvo prova em contrário, a favor das pessoas cujos nomes ou pseudônimos reconhecidos se achem indicados na obra literária ou artística, ou na petição a que se refere o art. 4. desta Convenção.

Art. 10. Podem publicar-se na imprensa periódica, sem necessidade de autorização alguma, os discursos pronunciados ou lidos em assembleias deliberativas, perante os tribunais de justiça ou nas reuniões públicas.

Art. 11. A reprodução de fragmentos de obras literárias ou artísticas em publicações destinadas ao ensino ou para crestomatias, não conferem nenhum direito de propriedade, e pode, por conseguinte, ser feita livremente em todos os países signatários.

Art. 12. Consideram-se reproduções ilícitas as usurpações indiretas não autorizadas, de uma obra literária ou artística, e que não apresente o caráter de obra original.

Será também considerada ilícita a transcrição, em qualquer forma, de uma obra na íntegra ou de qualquer parte dela, acompanhada de notas ou comentários, a pretexto de crítica literária, de ampliação ou complemento da obra original.

originales. Les traducteurs d'ouvrages au sujet desquels le droit de propriété garantie n'existerait pas ou serait éteint, pourront obtenir, relativement à leurs traductions, les droits de propriété prévus à l'article 3; mais ils ne pourront empêcher la publication d'autres traductions du même ouvrage.

Art. 8. Les articles de journaux pourront être reproduits dans les délais que fixeraient les lois locales, en citant la publication d'où ils seraient pris et en désignant le nom de l'auteur, s'il y figurait.

Art. 9. Le droit de propriété sera reconnu, sauf preuve du contraire, en faveur des personnes dont les noms ou pseudonymes reconnus sont indiqués dans l'oeuvre littéraire ou artistique, ou dans la requête à laquelle se réfère l'art. 4 de cette Convention.

Art. 10. Peuvent être publiés dans la presse périodique, sans qu'il soit besoin d'aucune autorisation, les discours prononcés ou lus dans les assemblées délibérantes, devant les tribunaux de justice ou dans les réunions publiques.

Art. 11. La reproduction de fragments d'ouvrages littéraires ou artistiques, dans des publications destinées à l'enseignement ou à des chrestomathies, ne confère aucun droit de propriété et peut, par conséquent, être librement faite dans tous les pays signataires.

Art. 12. Seront considérées comme reproductions illicites les appropriations indirectes, non autorisées, d'une oeuvre littéraire ou artistique, et qui ne présenteraient pas le caractère d'une oeuvre originale.

Sera également considérée comme illicite la reproduction, sous quelque forme que ce soit, d'une oeuvre entière ou de la majeure partie de celle-ci, accompagnée de notes ou de commentaires, sous prétexte de critique littéraire, d'amplification ou de complément de l'oeuvre originale.

originar las indemnizaciones ó de las penas en que incurran los falsificadores según las leyes del país en que el fraude se haya cometido.

Art. 14. Cada uno de los Gobiernos de los países signatarios conservará la libertad de permitir, vigilar ó prohibir la circulación, representación y exposición de cualquiera obra ó producción, respecto de las cuales tuviere que ejercer ese derecho la autoridad competente.

Art. 15. La presente Convención comenzará á regir, entre los Estados signatarios que la ratifiquen, tres meses después de que comuniquen su ratificación al Gobierno Mexicano, y permanecerá en vigor entre todos ellos, hasta un año después de la fecha en que se denuncie por alguno. Esta denuncia será dirigida al Gobierno Mexicano, y no tendrá efecto sino respecto del país que la haya hecho.

Art. 16. Los Gobiernos de los Estados signatarios declararán al aprobar la presente Convención, si aceptan la adhesión de las naciones que no han tenido representación en la Segunda Conferencia Internacional Americana.

En fe de lo cual los Plenipotenciarios y Delegados firman la presente Convención y ponen en ella el sello de la Segunda Conferencia Internacional Americana.

Hecho en la ciudad de México, el día veintisiete de enero de mil novecientos dos, en tres ejemplares, en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

Siguen las firmas de los señores Delegados.]

indemnities or punishments, to which the falsifiers may be liable according to the laws of the country, in which the fraud has been committed.

Art. 14. Each one of the Governments of the signatory countries shall remain at liberty to permit, exercise vigilance over, or prohibit, the circulation, representation and exposition of any work or production, in respect to which the competent authorities shall have power to exercise such right.

Art. 15. The present Convention shall take effect between the signatory States that ratify it, three months from the day they communicate their ratification to the Mexican Government, and shall remain in force among all of them until one year from the date it is denounced by any of said States. The notification of such denouncement shall be addressed to the Mexican Government and shall only have effect in so far as regards the country which has given it.

Art. 16. The Governments of the signatory States, when approving the present Convention, shall declare whether they accept the adherence to the same by the nations who have had no representation in the Second International American Conference.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

[Here follow the Signatures of the Delegates .]

Art. 13. Qualquer obra falsificada poderá ser seqüestrada nos países signatários em que a obra original tiver direito à proteção legal, sem prejuízo das indenizações ou penas em que incorram os falsificadores, conforme as leis do país em que a fraude tiver sido cometida.

Art. 14. Cada um dos Governos dos países signatários conservará a liberdade de permitir, fiscalizar ou proibir a circulação, representação e exposição de qualquer obra ou produção, sobre as quais a autoridade competente tiver de exercer esse direito.

Art. 15. A presente Convenção principiará a vigorar entre os países signatários que a ratifiquem, três meses depois de ter sido comunicada a sua ratificação ao Governo Mexicano, e permanecerá em vigência entre todos êles, até um ano depois da data da denúncia. Esta denúncia será dirigida ao Governo Mexicano e não terá efeito senão com relação ao país denunciante.

Art. 16. Os Governos dos Estados signatários declararão, ao aprovar a presente Convenção, se aceitam a adesão das nações que não se fizeram representar na Segunda Conferência Internacional Americana.

Em testemunho do que, os Plenipotenciários e Delegados assinam esta Convenção e lhe apõem o selo da Segunda Conferência Internacional Americana.

Feita na cidade do México aos vinte e sete dias do mês de janeiro de mil novecentos e dois, em três exemplares escritos em castelhano, inglês e francês respectivamente, que serão depositados na Secretaria das Relações Exteriores do Governo dos Estados Unidos Mexicanos, para que dêle se extraiam cópias autenticadas para serem enviadas por via diplomática a cada um dos Estados signatários.

[Seguem-se as assinaturas dos Senhores Delegados].

Art. 13. Toute oeuvre falsifiée pourra être saisie dans les pays signataires où l'oeuvre originale aura droit à la protection légale, sans préjudice des indemnités ou des peines dont seraient passibles les falsificateurs, selon les lois du pays où la fraude aurait été commise.

Art. 14. Chacun des Gouvernements des pays signataires conservera la liberté de permettre, de surveiller, ou d'interdire la circulation, la représentation ou l'exposition d'une oeuvre ou production quelconque, à l'égard desquelles l'autorité compétente aurait à exercer ce droit.

Art. 15. La présente Convention sera mise à exécution, en ce qui concerne les États signataires qui la ratifieraient, trois mois après avoir communiqué leur ratification au Gouvernement Mexicain; et elle restera en vigueur entre eux tous, un an encore après la date où elle aurait été dénoncée par l'un quelconque de ces États. Cette dénonciation sera adressée au Gouvernement Mexicain et n'aura d'effet que relativement au pays qui l'aurait faite.

Art. 16. Les Gouvernements des États signataires déclareront, au moment de la ratification de la présente Convention, s'ils acceptent l'adhésion à ladite Convention, par les pays qui n'ont pas été représentés dans la Seconde Conférence Internationale Américaine.

En foi de quoi, les Plénipotentiaires et Délégués signent la présente Convention et y apposent le sceau de la Seconde Conférence Internationale Américaine.

Fait en la ville de Mexico, le vingt-huit janvier mil neuf cent deux, en trois exemplaires écrits, respectivement, en espagnol, anglais et français, lesquels seront déposés au Ministère des Affaires Étrangères du Gouvernement des États-Unis Mexicains afin d'en faire des copies certifiées pour être envoyées, par la voie diplomatique, à chacun des États signataires.

[Suivent les signatures des Délégués]

CONVENCION

SOBRE CANJE DE PUBLICACIONES
OFICIALES, CIENTIFICAS, LITE-
RARIAS E INDUSTRIALES¹

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes señores Delegados:

[Siguen los nombres de los señores Delegados.]

Quienes, después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención sobre canje de publicaciones oficiales, científicas, literarias é industriales, en los siguientes términos:

1. Véase también la Convención sobre Intercambio de Publicaciones, suscrita en la Conferencia Interamericana de Consolidación de la Paz, celebrada en Buenos Aires en 1936.

CONVENTION

RELATIVE TO THE EXCHANGE OF
OFFICIAL, SCIENTIFIC, LITER-
ARY AND INDUSTRIAL
PUBLICATIONS¹

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay;

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act ad referendum, have agreed: to enter into a Convention relative to the exchange of official, scientific, literary and industrial publications, in the following terms:

1. See also the Convention on the Exchange of Publications, signed at the Inter-American Conference for the Maintenance of Peace, held at Buenos Aires in 1936.

CONVENÇÃO

SÔBRE A PERMUTA DE PUBLICAÇÕES OFICIAIS, CIENTÍFICAS, LITERÁRIAS E INDUSTRIAIS¹

(Tradução feita na União Pan-Americana)

Suas Excelências o Presidente da República Argentina, da Bolívia, da Colômbia, de Costa Rica, do Chile, da República Dominicana, do Equador, de El Salvador, dos Estados Unidos da América do Norte, da Guatemala, do Haiti, de Honduras, dos Estados Unidos Mexicanos, da Nicarágua, do Paraguai, do Peru e do Uruguai;

Desejando que seus respectivos países estivessem representados na Segunda Conferência Internacional Americana, enviaram à mesma, devidamente autorizados para aprovar as recomendações, resoluções, convenções e tratados que julgassem úteis aos interesses da América, os seguintes Senhores Delegados:

[Seguem-se os nomes dos Senhores Delegados].

Que, depois de ter apresentado seus plenos poderes que foram encontrados em boa e devida forma, com exceção dos exibidos pelos representantes do Presidente dos Estados Unidos da América, da Nicarágua e do Paraguai, que atuarão ad referendum, acordaram em celebrar uma Convenção sobre a permuta de publicações oficiais, científicas, literárias e industriais, nos seguintes termos:

1. Veja-se também a Convenção sobre Intercâmbio de Publicações, firmada na Conferência Interamericana de Consolidação da Paz, de Buenos Aires, em 1936.

CONVENTION

POUR L'ÉCHANGE DES PUBLICATIONS OFFICIELLES, SCIENTIFIQUES, LITTÉRAIRES ET INDUSTRIELLES¹

Leurs Excellences le Président de la République Argentine, celui de Bolivie, celui de Colombie, celui de Costa Rica, celui du Chili, celui de la République Dominicaine, celui de l'Équateur, celui du Salvador, celui des États-Unis d'Amérique, celui du Guatemala, celui d'Haïti, celui du Honduras, celui des États-Unis Mexicains, celui du Nicaragua, celui du Paraguay, celui du Pérou et celui de l'Uruguay,

Désirant que leurs pays respectifs soient représentés à la Seconde Conférence Internationale Américaine, y ont envoyé, dûment autorisés pour approuver les recommandations, décisions, conventions et traités qu'ils jugeraient utiles aux intérêts de l'Amérique, Messieurs les Délégués suivants:

[Suivent les noms des Délégués]

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, à l'exception de ceux exhibés par les représentants de Leurs Excellences le Président des États-Unis d'Amérique, celui de Nicaragua et celui du Paraguay, qui agissent ad referendum, ont convenu de conclure une Convention pour l'échange des publications officielles scientifiques, littéraires, et industrielles, dans les termes suivants:

1. Voir aussi la Convention sur l'Échange de Publications, signée à la Conférence Interaméricaine pour le Maintien de la Paix, réalisée à Buenos Aires, en 1936.

Art. 1. Los Gobiernos signatarios se comprometen á enviarse recíprocamente cinco ejemplares de cada una de las siguientes publicaciones oficiales:

I. Los documentos parlamentarios, administrativos y de estadística que salgan á luz en cada uno de los países contratantes.

II. Las obras de toda especie, publicadas ó subvencionadas por los respectivos Gobiernos signatarios.

III. Los mapas geográficos generales ó particulares, los planos topográficos y otras obras de este género.

Art. 2. La obligación estipulada en el artículo anterior existirá aun cuando las obras referidas fueren impresas fuera del territorio del país cuyo Gobierno les concediera subvención ó auxilio.

Art. 3. Cada uno de los Gobiernos firmantes hará formar una colección, tan completa como fuere posible, de los libros ya publicados oficialmente en su respectivo territorio, especialmente los relativos á su historia, estadística y geografía, y la remitirá á los demás al hacer la primera remesa.

Art. 4. A medida que cada uno de los Gobiernos que firman esta Convención reciba las publicaciones que le fueren remitidas por los demás, hará aparecer oportunamente en el respectivo Diario Oficial una lista de ellas, á fin de que el público pueda concurrir á consultarlas en la Oficina ó Biblioteca en que sean puestas á su disposición, designando al mismo tiempo el lugar y la imprenta de donde cada obra procede, para que llegue á conocimiento de los que deseen adquirirla.

Art. 5. En cuanto lo permitan las estipulaciones de la Unión Postal Universal, los Gobiernos contratantes declararán libre de porte la correspondencia oficial y las publicaciones de canje entre los países respectivos, de conformidad con los acuerdos par-

Art. 1. The signatory Governments bind themselves to furnish one another, reciprocally, five copies of each one of the following official publications:

I. Parliamentary, administrative and statistical documents which may be published in each one of the contracting countries.

II. Works of all kinds, published or subsidized by the respective signatory Governments.

III. Geographical maps general as well as special, topographic plans and other works of this kind.

Art. 2. The obligation stipulated in the foregoing article shall exist even in the case that the works referred to should be printed outside of the territory of the country whose Government grants them subsidy or assistance.

Art. 3. Each one of the signatory Governments shall form as complete a collection as possible, of the books already published officially in its respective territory, especially of those relating to its history, statistics and geography, and shall forward such collections to the others at the time of making its first transmission.

Art. 4. The Governments signing this Convention, whenever they shall receive the publications sent them by others, shall insert, in due time, a list of the same in the respective official journals, so that the public may be able to consult them in the office or library in which they are placed for inspection, stating at the same time the place and the printing office from which each work was issued, for the information of those that may desire to acquire said work.

Art. 5. The Contracting Governments, in so far as the stipulations of the Universal Postal Union allow it, will declare free of postage, among the respective countries, all official correspondence and the publications under agreement of exchange referred

Art. 1. Os Governos signatários acordam em remeter uns aos outros cinco exemplares de cada uma das seguintes publicações oficiais:

I. Os documentos parlamentares, administrativos e de estatística que sejam publicados em cada um dos países contrantes.

II. As obras de toda espécie, publicadas ou subvencionadas pelos respectivos Governos signatários.

III. Mapas geográficos gerais ou particulares, plantas topográficas e outras obras deste gênero.

Art. 2. A obrigação estipulada no artigo anterior existirá mesmo quando as obras referidas forem impressas fora do território do país cujo governo lhes tenha concedido subvenção ou auxílio.

Art. 3. Cada um dos Governos signatários fará reunir uma coleção, tão completa quanto possível, dos livros já publicados oficialmente em seu respectivo território, especialmente os relativos à história, estatística e geografia do país, e a remeterá aos demais ao fazer a primeira remessa.

Art. 4. À medida que cada um dos Governos que firmam esta Convenção receber as publicações que lhe forem remetidas pelos demais, fará inserir no seu respectivo Diário Oficial uma lista das mesmas, a fim de que o público possa acorrer a consultá-las na Repartição ou na Biblioteca em que forem postas à sua disposição, designando ao mesmo tempo o lugar e a casa editôra ou tipografia de onde proceda a obra, para que chegue ao conhecimento dos que desejem adquiri-la.

Art. 5. Até onde o permitam as estipulações da União Postal Universal, os Governos contratantes declararão livres de porte a correspondência oficial e as publicações de permuta entre os países respectivos, de

Art. 1. Les Gouvernements signataires s'engagent à s'envoyer réciproquement cinq exemplaires de chacune des publications officielles suivantes:

I. Les documents parlementaires, administratifs et de statistique qui sont publiés dans chacun des pays contractants.

II. Les ouvrages de toute espèce, publiés ou subventionnés par les Gouvernements signataires respectifs.

III. Les Cartes géographiques, générales ou partielles, les plans topographiques et autres travaux de ce genre.

Art. 2. L'obligation stipulée dans l'article antérieur existera même lorsque les ouvrages précités seront imprimés hors du territoire du pays dont le gouvernement leur accorderait une subvention ou une aide.

Art. 3. Chacun des gouvernements signataires fera former une collection, aussi complète que possible, des livres déjà publiés officiellement sur son territoire respectif, particulièrement ceux relatifs à son histoire, à sa statistique et à sa géographie, et la remettra aux autres gouvernements, en effectuant le premier envoi.

Art. 4. A mesure que chacun des gouvernements qui signent cette Convention recevra les publications qui lui seront remises par les autres, il en fera publier opportunément une liste, dans le Journal Officiel respectif, afin que le public puisse aller les consulter au Bureau ou à la Bibliothèque où elles seront mises à sa disposition et il désignera, en même temps, l'endroit et l'imprimerie d'où sort chaque ouvrage afin que ce renseignement soit connu de ceux qui désireraient en faire l'acquisition.

Art. 5. Dans les limites qu'établissent les stipulations de l'Union Postale Universelle, les Gouvernements contractants déclareront libres de port la correspondance officielle et les publications d'échange

ticulares que entre ellos se celebren al efecto.

Art. 6. Cada país contratante remitirá las publicaciones á que se refiere esta Convención á la Legación ó Consulado que tenga acreditado ante el Gobierno de los otros, á fin de que lleguen por ese órgano á poder del Departamento, Oficina ó Biblioteca que cada Gobierno designe para recibir las. A falta de agentes indirectos, la remisión se hará de Gobierno á Gobierno.

Art. 7. Para la vigencia de esta Convención, no es indispensable que su ratificación sea efectuada simultáneamente por las naciones signatarias. La que la apruebe lo comunicará, ya sea por la vía diplomática ó directamente á las demás, y este procedimiento hará las veces de canje.

Art. 8. A contar del día en que se efectúe la ratificación en la forma indicada en el artículo anterior, esta Convención quedará vigente por tiempo indefinido, y la nación que desee denunciarla, deberá avisar su determinación á las demás, y sólo quedará desligada un año después de haber dado dicho aviso.

En fe de lo cual los Plenipotenciarios y Delegados firman el presente Tratado y ponen en él el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México el día veintisiete de enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

(Siguen las firmas de los señores Delegados.)

to in this Convention. in conformity with the special arrangements which for the purpose shall be entered into among themselves.

Art. 6. Each of the contracting countries shall send the printed matter to which this Convention refers, to the Legation or Consulate which it may have accredited to the Governments of the others, so that they may be delivered by such channels to the Department, Office or Library which each Government may designate to receive them. In the absence of indirect agents, the transmission shall be made from one Government to the other.

Art. 7. For the operation of this Convention it is not indispensable that its ratification shall be made simultaneously by the signatory nations. The State approving it shall make known that fact to the others through a diplomatic agency, or directly, and such proceeding shall be considered of equal force as an exchange of copies.

Art. 8. This Convention shall take effect for an indefinite period from the day on which its ratification shall have taken place, in the manner expressed in the foregoing article, and the nation desiring to denounce it, shall give notice of its intention to the others; and its obligations under it shall cease only one year from the date of giving such notice.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the seal of the Second International American Conference.

Made in the City of Mexico, this twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

[Here follow the Signatures of the Delegates.]

conformidade com os acordos particulares que entre êles tenham sido celebrados nesse sentido.

Art. 6. Cada país contratante remeterá as publicações a que se refere esta Convenção, à Legação ou Consulado que tenha acreditado junto ao Governo dos outros, a fim de que cheguem por êsse intermédio ao poder do Departamento, Repartição ou Biblioteca que cada Governo designe para recebê-las. À falta de agentes indirectos, a remessa será feita de Governo a Governo.

Art. 7. Para que entre em vigor esta Convenção, não é indispensável que esta sua ratificação seja efetuada simultaneamente pelas Nações signatárias. Aquela que a aprove, fará a comunicação já por via diplomática ou diretamente, e êste procedimento fará as vêzes de troca de ratificação.

Art. 8. A contar do dia em que se efetue a ratificação pela forma indicada no artigo anterior, esta Convenção entrará em vigor por tempo indeterminado, e a nação que deseje denunciá-la, deverá comunicar a sua desisão às demais, e só ficará desligada um ano depois de ter dado o referido aviso.

Em testemunho do que os Plenipotenciários e Delegados assinam a presente Convenção e lhe apõem o sêlo da Segunda Conferência Internacional Americana.

Feita na cidade do México aos vinte e sete dias do mês de janeiro de mil novecentos e dois, em três exemplares escritos em castelhano, inglês e francês respectivamente, que serão depositados na Secretaria das Relações Exteriores do Governo dos Estados Unidos Mexicanos, para que dêles se extraiam cópias autenticadas para serem enviadas por via diplomática a cada um dos Estados signatários.

[Seguem-se as assinaturas dos Senhores Delegados].

entre les pays respectifs, conformément aux arrangements particuliers faits entre eux, à cet effet.

Art. 6. Chaque pays contractant remettra les publications auxquelles se réfère cette Convention à la Légation ou au Consulat accrédité auprès du Gouvernement des autres pays, afin qu'elles parviennent par cette voie au pouvoir du Département, du Bureau ou de la Bibliothèque que chaque Gouvernement désigne pour les recevoir. A défaut d'agents indirects, la remise se fera de Gouvernement à Gouvernement.

Art. 7. Pour l'entrée en vigueur de cette Convention, il n'est pas indispensable que sa ratification soit simultanément effectuée par les Nations signataires. Celle qui l'approuve, en fera part, par la voie diplomatique ou directement, aux autres, et ce procédé tiendra lieu de ratification.

Art. 8. A dater du jour où s'effectuerait la ratification, dans la forme indiquée dans l'article antérieur, cette Convention entrera en vigueur pour un temps indéfini, et la nation qui désirerait la dénoncer devra informer les autres de sa détermination; elle ne sera déliée qu'un an après avoir donné ledit avis.

En foi de quoi, les Plénipotentiaires et Délégués signent la présente Convention et y apposent le sceau de la Seconde Conférence Internationale Américaine.

Fait en la ville de Mexico, le vingt-huit janvier mil neuf cent deux, en trois exemplaires écrits, respectivement, en espagnol, anglais et français, lesquels seront déposés au Ministère des Affaires Étrangères du Gouvernement des États-Unis Mexicains afin d'en faire des copies certifiées pour être envoyées par la voie diplomatique à chacun des États signataires.

[Suivent les signatures des Délégués]

TRATADO

SOBRE PATENTES DE INVENCION,
DIBUJOS Y MODELOS INDUS-
TRIALES, Y MARCAS DE COMER-
CIO Y DE FABRICA¹

SS. EE. el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes señores Delegados:

[Siguen los nombres de los señores Delegados.]

Quienes, después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar un Tratado sobre Patentes de Invención, Dibujos y Modelos Industriales y Marcas de Comercio y de Fábrica, en los términos siguientes:

Art. 1. Los ciudadanos de cada uno de los Estados signatarios gozarán en los otros de las mismas ventajas acordadas á los nacionales, en cuanto á las marcas de comercio ó

1. Esta Convención fué modificada por la suscrita en la Tercera Conferencia Internacional Americana.

TREATY

ON PATENTS OF INVENTION,
INDUSTRIAL DRAWINGS AND
MODELS AND TRADE-MARKS¹

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay;

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interest of America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act ad referendum, have agreed to enter into a Treaty on Patents of Invention, Industrial Drawings and Models, and Trade-marks, in the following terms:

Art. 1. The citizens of each of the signatory States shall enjoy in other nations the same advantages granted by them to their own citizens in regard to the trade-marks of commerce, or

1. This Convention was modified by the Convention signed at the Third International Conference of American States.

TRATADO

SÔBRE PATENTES DE INVENÇÃO
DESENHOS E MODELOS INDUS-
TRIAIS, E MARCAS DE COMÉR-
CIO E DE FÁBRICA¹

(Tradução feita na União Pan-
Americana)

Suas Excelências o Presidente da República Argentina, da Bolívia, da Colômbia, de Costa Rica, do Chile, da República Dominicana, do Equador, de El Salvador, dos Estados Unidos da América do Norte, da Guatemala, do Haiti, de Honduras, dos Estados Unidos Mexicanos, da Nicarágua, do Paraguai, do Peru e do Uruguai;

Desejando que seus respectivos países estivessem representados na Segunda Conferência Internacional Americana, enviaram à mesma, devidamente autorizados para aprovar as recomendações, resoluções, convenções e tratados que julgassem úteis aos interesses da América, os seguintes Senhores Delegados:

[Seguem-se os nomes dos Senhores Delegados].

Que, depois de ter apresentado seus plenos poderes que foram encontrados em boa e devida forma, com exceção dos exibidos pelos representantes do Presidente dos Estados Unidos da América, da Nicarágua e do Paraguai, que atuarão ad referendum, acordaram em celebrar um Tratado sobre Patentes de Invenção, Desenhos e Modelos Industriais, e Marcas de Comércio e de Fábrica, nos seguintes termos:

1. Esta Convenção foi modificada pela que foi assinada na Terceira Conferência Internacional Americana.

TRAITÉ

SUR BREVETS D'INVENTION,
MODÈLES ET DESSINS INDUS-
TRIELS ET MARQUES DE FA-
BRIQUE OU DE COMMERCE¹

Leurs Excellences le Président de la République Argentine, celui de Bolivie, celui de Colombie, celui de Costa Rica, celui de Chili, celui de la République Dominicaine, celui de l'Équateur, celui du Salvador, celui des États-Unis d'Amérique, celui du Guatemala, celui d'Haïti, celui du Honduras, celui des États-Unis Mexicains, celui de Nicaragua, celui du Paraguay, celui du Pérou et celui de l'Uruguay,

Désirant que leurs pays respectifs soient représentés à la Seconde Conférence Internationale Américaine, y ont envoyé, dûment autorisés pour approuver les recommandations, décisions, conventions et traités qu'ils jugeraient utiles aux intérêts de l'Amérique, Messieurs les Délégués suivants:

[Suivent les noms des Délégués]

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme - à l'exception de ceux exhibés par les représentants de Leurs Excellences le Président des États-Unis d'Amérique, celui du Nicaragua et celui du Paraguay, qui agissent ad referendum - ont convenu de conclure un Traité sur Brevets d'Invention, Modèles et Dessins Industriels et Marques de Commerce ou de Fabrique, dans les termes suivants:

1. Cette Convention a été modifiée par une autre signée à la Troisième Conférence Internationale Américaine.

de fábrica, á los modelos y dibujos industriales y á las patentes de invención.

En consecuencia, tendrán derecho á igual protección y á idénticos recursos contra el ataque á sus derechos.

Art. 2. Son asimilados á los nacionales, para los efectos de este Tratado, los extranjeros domiciliados en alguno de los países signatarios, ó que tengan en él un establecimiento industrial ó comercial.

Art. 3. Las patentes de invención, las de dibujos ó modelos industriales y las marcas de comercio ó de de fábrica, otorgadas en el país de origen, podrán ser importadas á los demás Estados signatarios, mediante el depósito y publicación que exija las leyes de éstos, y serán protegidos en igual forma que las otorgadas en el mismo Estado. Esta disposición no obsta á la obligación que establezcan las leyes nacionales, de fabricar en el país objetos que sean materia de privilegio.

Art. 4. Los agentes consulares de la nación á que pertenezcan ó donde se hallen establecidos los propietarios de patentes, dibujos, modelos ó marcas, serán considerados como representantes legítimos de dichos propietarios, para cumplir las formalidades y condiciones exigidas con el objeto de dar curso á la solicitud y obtener el registro de las referidas patentes, dibujos, modelos ó marcas, en el país donde se intente hacerlos valer.

Art. 5. Se considera país de origen aquel en que el concesionario tiene su principal establecimiento ó su domicilio.

Si no lo tuviere en ninguno de los Estados contratantes, se reputará país de origen el Estado signatario de la nacionalidad del propietario.

Art. 6. Para conservar el derecho de prioridad de las patentes de invención, modelos, dibujos o mar-

of manufacture, to the models and industrial drawings, and to patents of invention.

Consequently, they shall have the right to the same protection and to identical remedies against any attack upon their rights.

Art. 2. For the purpose of this Treaty, foreigners domiciled in any of the signatory countries, or who may have in them an industrial or commercial establishment, shall be considered the same as citizens.

Art. 3. Patents of invention and those of industrial drawings and models, as well as of trade-marks of commerce or manufacture, granted in the country of their origin, may be imported to the other signatory States, for registration and publication, as may be required by the laws of the respective countries, and they shall be protected in the same manner as those granted in the State itself. This provision does not remove the obligation imposed by national laws requiring the privileged articles to be manufactured in the country enacting such laws.

Art. 4. The consular agents of the nation, to which belong or wherein reside the owners of patents, drawings, models, or trade-marks, shall be considered as the legal representatives of said owners, for the purpose of complying with the formalities and conditions established, in order to present the application and secure the filing of said patents, drawings, models or trade-marks, in the country wherein it is intended to use them.

Art. 5. The country in which the grantee has his principal establishment or domicile, shall be considered as the country of origin.

In case that he should not have any such establishment in any of the signatory countries, that State of the signatory nations of which the claimant is a citizen, shall be considered as the country of origin.

Art. 6. For the purpose of preserving the right of priority of pat-

Art. 1. Os cidadãos de cada um dos Estados signatários gozarão nos outros das mesmas regalias concedidas aos nacionais, quanto às marcas de comércio ou de fábrica, aos modelos e desenhos industriais e às patentes de invenção.

Por consequência, terão direito a igual proteção e a idênticos recursos contra o atentado aos seus direitos.

Art. 2. Para os efeitos deste Tratado, os estrangeiros domiciliados em algum dos países signatários, ou que tenham nêle um estabelecimento industrial ou comercial, são postos em pé de igualdade com os nacionais.

Art. 3. As patentes de invenção, as de desenhos ou modelos industriais e as marcas de comércio e de fábrica concedidas no país de origem, poderão ser introduzidas nos demais Estados signatários, mediante o depósito e publicação exigidos pelas leis deste, e serão protegidas por forma igual às que são concedidas no mesmo Estado. Esta disposição não impede a obrigação estabelecida pelas leis nacionais de fabricar no país os produtos que são objeto do privilégio.

Art. 4. Os agentes consulares da nação a que pertençam ou onde se achem estabelecidos os proprietários de patentes, desenhos, modelos ou marcas, serão considerados como representantes legítimos de ditos proprietários, para cumprir as formalidades e condições exigidas no sentido de encaminhar o pedido e de obter o registro das referidas patentes, desenhos, modelos e marcas nos países onde se procure fazê-los valer.

Art. 5. Considera-se país de origem aquêle em que o concessionário tem seu principal estabelecimento ou domicílio.

Art. 1. Les citoyens de chacun des États signataires jouiront dans les autres États des mêmes avantages que ceux accordés aux nationaux en ce qui concerne les marques de commerce ou de fabrique, les modèles et dessins industriels et les brevets d'invention.

En conséquence, ils auront droit à une égale protection et aux mêmes recours en cas d'attaque à leur droits.

Art. 2. Sont assimilés aux nationaux, pour les effets de ce Traité, les étrangers domiciliés dans l'un quelconque des pays signataires ou y possédant un établissement industriel ou commercial dans lequel seraient fabriqués ou vendus les articles faisant l'objet du privilège.

Art. 3. Les brevets d'invention, de dessins ou de modèles industriels et les marques de commerce ou de fabrique accordés dans le pays d'origine pourront être importés dans les autres États signataires, moyennant le dépôt et la publication qu'exigent les lois desdits États, et ils y seront protégés de la même manière que ceux accordés dans le propre État. Cette disposition ne porte pas obstacle à l'obligation qu'établissent les lois nationales de fabriquer dans les pays les produits qui sont l'objet du privilège.

Art. 4. Les agents consulaires de la nation à laquelle appartiennent ou dans laquelle sont établis les propriétaires de brevets, dessins, ou marques, seront considérés comme légitimes représentants desdits propriétaires, pour remplir les formalités et les conditions exigées dans le but de donner suite à la demande et d'obtenir l'enregistrement desdits brevets, dessins modèles ou marques dans le pays où l'on chercherait à les faire valoir.

Art. 5. Est considéré comme pays d'origine celui dans lequel le concessionnaire a son principal établissement ou son domicile.

cas importados, se concede el plazo de un año respecto de las primeras, y de seis meses en cuanto á los demás contados desde el otorgamiento de las patentes, hasta la presentación de la solicitud ante la autoridad respectiva del Estado en el cual se intente importar el título.

Art. 7. Las cuestiones que se susciten sobre la prioridad de la invención y sobre la adopción de una marca, se resolverán teniendo en cuenta la fecha de la solicitud de las patentes ó marcas respectivas, en los países en que se otorgaron.

Art. 8. Se considera invención: un nuevo modo de fabricar productos industriales; un nuevo aparato mecánico ó manual, que sirva para fabricar dichos productos; el descubrimiento de un nuevo producto industrial, y la aplicación de medios perfeccionados, con el objeto de conseguir resultados superiores á los ya conocidos.

Los dibujos y modelos de fábrica se encuentran sujetos á las reglas de las invenciones ó descubrimientos en lo que no sea especial á estos últimos.

Se reputa marca de comercio ó de fábrica, el signo, emblema ó nombre externo, que el comerciante adopta y aplica á sus mercaderías y productos, para distinguirlos de los de otros industriales ó comerciantes que negocian en artículos de la misma especie.

Art. 9. No podrán obtener patente de invención:

I. Las invenciones y descubrimientos que hubieren tenido publicidad en algún Estado signatario, ó no, de este Tratado.

II. Los que fueren contrarios á la moral y á las leyes del país en donde las patentes hayan de expedirse ó reconocerse.

ents of invention, models or designs and of imported trade-marks, a term of one year is granted as to the former, and of six months as to the latter, to be counted from the date of their having been originally issued, for the presentation of the application of the same to the respective authority of the country into which the patent right is to be imported.

Art. 7. All questions which may arise regarding the priority of an invention and regarding the adoption of a trade-mark shall be decided with due regard to the date of the application for the respective patent or trade-mark in the countries in which they have been granted.

Art. 8. The following shall be considered as inventions: any new method of manufacturing industrial products; any mechanical or manual apparatus which may be used for the manufacture of said products; the discovery of any new industrial product; and the application of improved methods, for the purpose of producing results superior to those already known.

The drawings and models of manufacture are subject to the rules of inventions and discoveries in all that does not apply especially to the latter.

The signs, emblems or exterior names, that merchants or manufacturers may adopt or apply to their goods or products, in order to distinguish them from those of other manufacturers or merchants, who deal in articles of the same kind, shall be considered as trade-marks of commerce or manufacture.

Art. 9. No patent of invention can be granted with respect to the following:

I. Inventions and discoveries, which may have been published in any country, whether it be a party to this Treaty or not.

II. Those that are contrary to morals, or to the laws of the country, in which the patents of inventions are to be granted or to be recognized.

Caso não o tenha em nenhum dos Estados contratantes, considerar-se-á país de origem aquêle a cuja nacionalidade pertencer o proprietário.

Art. 6. Para conservar o direito de prioridade das patentes de invenção é concedido a prazo de um ano, e o de seis meses para conservar o direito sôbre os modelos, desenhos ou marcas importadas, contados tais prazos da data da concessão das patentes até a da apresentação do pedido à autoridade competente do Estado para o qual se pretende importar o título.

Art. 7. As questões que possam surgir sôbre a prioridade da invenção e sôbre a adoção de uma marca, serão resolvidas tomando em consideração a data do pedido das patentes ou marcas respectivas nos países em que tenham sido concedidas.

Art. 8. Considera-se invenção: um nôvo modo de fabricar produtos industriais; um nôvo aparelho mecânico ou manual, que sirva para fabricar ditos produtos; o descobrimento de um nôvo produto industrial, e a aplicação dos meios aperfeiçoados, com o fim de conseguir resultados superiores aos já conhecidos.

Os desenhos e modelos de fábrica estão sujeitos às regras das invenções e descobertas, no que não fôr especial a estas últimas.

São considerados como marca de comércio ou de fábrica os sinais, emblemas ou indicações externas que o negociante adota e aplica às suas mercadorias e produtos, com o fim de distingui-las das de outros industriais ou comerciantes que negociam com artigos da mesma espécie.

Art. 9. Não poderão obter patente de invenção:

I. As invenções e descobertas que tenham sido objeto de publicidade em algum Estado signatário, ou não, dêste Tratado.

S'il ne l'avait dans aucun des États contractants, sera considéré comme pays d'origine l'État signataire à la nationalité duquel appartient le propriétaire.

Art. 6. Pour conserver le droit de priorité en matière de brevets d'invention, modèles, dessins ou marques importées, il est accordé le délai d'un an en ce qui concerne les premiers et celui de six mois pour les autres, à partir de la date de la concession des brevets, jusqu'à celle de la présentation de la demande près de l'autorité respective de l'État dans lequel il s'agit d'importer le titre.

Art. 7. Les différends qui surgiraient relativement à la priorité de l'invention et de l'adoption d'une marque, seront résolus en tenant compte de la date de la demande des brevets ou marques respectives, dans les pays où ils ont été accordés.

Art. 8. Est considérée comme invention une nouvelle manière de fabriquer des produits industriels; un nouvel appareil mécanique ou manuel servant à fabriquer lesdits produits; la découverte d'un nouveau produit industriel, et l'application de moyens perfectionnés dans le but d'obtenir des résultats supérieurs à ceux déjà connus.

Les dessins et modèles de fabrique sont assujettis aux règles des inventions ou découvertes pour tout ce qui n'est pas spécial à ces dernières.

Est considéré comme marque de commerce ou de fabrique, le signe, l'emblème ou le nom extérieur que le commerçant ou le fabricant adopte et applique sur ses marchandises et produits pour les distinguer de ceux des autres industriels ou négociants qui font commerce d'articles de la même espèce.

Art. 9. Ne pourront obtenir des brevets d'invention:

I. Les inventions et découvertes qui auraient été l'objet de publicité dans un État, signataire ou non, de ce Traité.

Art. 10. Tampoco se podrán obtener ó reconocer marcas de comercio ó de fábrica, que se encuentren en el caso del párrafo segundo del artículo precedente.

Art. 11. La propiedad de la patente de invención ó de la marca fabril ó comercial, comprende la facultad de disponer de la invención ó de usar de la marca y el derecho de transferirlas á otros.

Art. 12. El número de años del privilegio será el que fijen las leyes del país en que se pretenda hacerlo efectivo. Ese plazo podrá ser limitado al señalado por las leyes del Estado en que primitivamente se acordó la patente, si fuere menor.

Art. 13. Las responsabilidades civiles y criminales en que incurran los que dañen los derechos del inventor, se perseguirán y penarán con arreglo á las leyes del país en que se haya ocasionado el perjuicio.

También las falsificaciones, adulteraciones ó uso indebido de las marcas de comercio ó de fábrica, se perseguirán con sujeción á las leyes del Estado en cuyo territorio se cometa la infracción.

Art. 14. La declaratoria de nulidad de una patente ó concesión de marca hecha en el país de origen, será comunicada en forma auténtica á los demás países signatarios, para que administrativamente se resuelva, ya sobre la solicitud de reconocimiento que se pretenda de la patente ó marca obtenida en el extranjero, ya sobre el efecto que tal declaratoria deba producir respecto de la patente ó marca antes importada á dichos países.

Art. 15. Los tratados sobre patentes de invención y marcas de comercio ó de fábrica otorgados anteriormente entre los países signatarios del presente, quedarán substituídos por éste, desde que quede perfeccio-

Art. 10. Trade-marks of commerce or manufacture, which are in the class provided for in paragraph II of the foregoing article, are likewise debarred from being granted or recognized.

Art. 11. The ownership of a patent of invention or of a trade-mark of commerce or manufacture, covers the right to enjoy the products of the invention, or the use of the trade-mark, and the right to assign them to others.

Art. 12. The number of years of the patent right shall be that which the laws of the country, in which it is desired to make them effective, may establish. Such term may be limited to that established by the laws of the country in which the patent of invention was originally granted, if the latter should be shorter.

Art. 13. The civil and criminal responsibilities, which those who injure the rights of inventors incur, shall be prosecuted and punished in accordance with the laws of the country, in which the injury has been committed.

The falsification, adulteration, or unauthorized use of trade-marks of commerce and manufacture, shall likewise be prosecuted in accordance with the laws of the State in whose territory the infringement has been committed.

Art. 14. The declaration of nullity of a patent or trade-mark made in the country of its origin, shall be communicated in an authentic form to the other signatory countries, so that they may decide in an administrative manner regarding the recognition, which may be solicited for the respective patent or trade-mark granted in the foreign country, and as to what effect such declaration is to produce with regard to the patents or trade-marks previously imported into said countries.

Art. 15. The treaties on patents of invention and trade-marks of commerce and manufacture previously concluded by and between the countries subscribing the present Treaty, shall be substituted by the present

II. As que forem contrárias à moral e às leis do país em que as patentes tenham de ser expedidas ou em que tenham de ser reconhecidas.

Art. 10. Não se poderá obter ou reconhecer tampouco, marcas de comércio ou de fábrica que se encontrem no caso do parágrafo segundo do artigo precedente.

Art. 11. A propriedade da patente de invenção ou da marca de fábrica ou comércio, compreende a capacidade de dispor da invenção ou de usar da marca, e o direito de transferi-las a outros.

Art. 12. A duração do privilégio será a fixada pelas leis do país em que se pretenda torná-lo efetivo, e se fôr menor, poderá ser limitada ao prazo concedido pelas leis do Estado em que a patente tenha sido primitivamente outorgada.

Art. 13. As responsabilidades civis e criminais em que incorram os que prejudicarem os direitos do inventor, serão processadas e punidas em conformidade com as leis do país em que tenha ocorrido o prejuízo.

As falsificações, adulterações ou o uso ilícito das marcas de comércio ou de fábrica, estão igualmente sujeitas a processo de acôrdo com as leis do Estado em cujo território tenha sido cometida a infração.

Art. 14. A declaração de nulidade de uma patente ou concessão de marca feita no país de origem, será comunicada em forma autêntica aos demais países signatários, para que administrativamente se resolva, tanto a respeito do pedido de reconhecimento que se pretenda da patente ou marca obtida no estrangeiro, quanto sobre o efeito que tal declaração deva produzir em referência à patente ou marca anteriormente importada em ditos países.

II. Celles qui seraient contraires à la morale ou aux lois du pays où les brevets devraient être délivrés ou reconnus.

Art. 10. Ne pourront pas, non plus, être obtenues ou reconnues, les marques de fabrique ou de commerce se trouvant dans le cas spécifié dans le paragraphe II de l'article précédent.

Art. 11. La propriété du brevet d'invention ou de la marque de fabrique ou commerciale comprend la faculté de jouir de l'invention ou de faire usage de la marque, et du droit de la transférer à d'autres.

Art. 12. La durée du privilège sera celle que fixent les lois du pays dans lequel on se propose d'en faire usage. Ce délai, s'il est moindre, pourra être limité à celui qu'établissent les lois de l'État dans lequel le brevet a été primitivement accordé.

Art. 13. Les responsabilités civiles et criminelles dont seraient passibles ceux qui porteraient préjudice aux droits de l'inventeur seront poursuivies et punies conformément aux lois du pays dans lequel le préjudice aura été causé.

De même, les falsifications, les adultérations ou l'usage illicite de marques de commerce ou de fabrique, seront poursuivis conformément aux lois de l'État sur le territoire duquel l'infraction se commettrait.

Art. 14. La déclaration de nullité d'un brevet ou de la concession d'une marque, dans le pays d'origine, sera communiquée, sous une forme authentique, aux autres pays signataires pour qu'il soit administrativement décidé, au sujet de la requête qui aurait été présentée relativement à la reconnaissance dudit brevet ou de ladite marque concédés à l'étranger, aussi bien que sur l'effet que doit produire cette déclaration sous le rapport du brevet ou marque préalablement importés en ces pays.

nado, en cuanto á las relaciones entre dichos países signatarios.

Art. 16. Harán veces de canje del presente Tratado las comunicaciones que dirijan los Gobiernos que lo ratifiquen al de México, para que éste lo haga saber á los demás Estados contratantes. El mismo Gobierno de México les comunicará también la ratificación, si la otorgase.

Art. 17. Hecho el canje por dos ó más Estados en la forma del artículo anterior, este Tratado quedará en vigor desde ese acto por tiempo indefinido.

Art. 18. La nación signataria que creyere conveniente desligarse del Tratado, hará saber el desahucio en la forma indicada en el art. 16, y un año después de recibida la comunicación respectiva, cesará la vigencia del Tratado respecto á la nación que lo hubiere denunciado.

Art. 19. En la forma prevenida por el art. 16 podrán adherirse al Tratado las Naciones de América que originariamente no lo suscriban.

En fe de lo cual, los Plenipotenciarios y Delegados firman el presente Tratado y ponen en él el sello de la Segunda Conferencia Internacional Americana.

Hecho en la ciudad de México el día veintisiete de enero de mil novecientos dos, en tres ejemplares, escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

[Siguen las firmas de los señores Delegados.]

Treaty from the time of its being duly perfected, as far as the relations between the signatory countries are concerned.

Art. 16. The communications, which the Governments who may ratify the present Treaty shall address to the Government of Mexico, for the purpose of making them known to the remaining contracting countries, shall be considered equal to the customary exchange of ratifications. The Government of Mexico shall likewise communicate to them its ratification of this Treaty, if it should resolve to ratify the same.

Art. 17. The exchange of copies in the form of the foregoing article having been made by two or more countries, this Treaty shall take effect thenceforward for an indefinite time.

Art. 18. In case any one of the signatory powers should desire to withdraw from this Treaty, it shall make its abrogation known in the manner prescribed in art. 16, and the effect of this Treaty, as far as the respective nation is concerned, shall cease one year from the date of the receipt of the respective communication.

Art. 19. The countries of America, that may not have signed this Treaty originally, may adhere to the same in the manner prescribed by art. 16.

In testimony whereof the Plenipotentiaries and Delegates sign the present Treaty and affix thereto the seal of the Second International American Conference.

Made in the City of Mexico this twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

[Here follow the signatures of the Delegates.]

Art. 15. Os tratados sobre patentes de invenção e marcas de comércio ou de fábrica anteriormente celebrados entre os países signatários do presente Tratado, ficam por êle substituídos, uma vez que entre em efeito, no que concerne às relações entre ditos países.

Art. 16. As comunicações que forem dirigidas pelos Governos que ratificarem êste Tratado ao Governo do México, a fim de que o mesmo leve o fato ao conhecimento dos demais Estados contratantes, tomarão o lugar de troca de ratificação. O Governo do México fará também a comunicação desde que tenha ratificado o Tratado.

Art. 17. Efetuada a troca por dois ou mais Estados na forma do artigo anterior, êste Tratado entrará em vigor a partir dêsse momento por tempo indefinido.

Art. 18. A parte contratante que julgue conveniente desligar-se do Tratado fará a denúncia pela forma consignada no art. 16, e um ano depois de recebida a respectiva denúncia, cessarão para a parte denunciante os efeitos do Tratado.

Art. 19. As Nações da América que primitivamente não tenham aderido ao Tratado, poderão fazê-lo pela forma prevista no art. 16.

Em testemunho do que, os Plenipotenciários e Delegados assinam êste Tratado e lhe apõem o sêlo da Segunda Conferência Internacional Americana.

Feito na cidade do México aos vinte e sete dias do mês de janeiro de mil novecentos e dois, em três exemplares escritos em castelhano, inglês e francês respectivamente, que serão depositados na Secretaria das Relações Exteriores do Governo dos Estados Unidos Mexicanos, para que dêle se extraiam cópias autenticadas para serem enviadas por via diplomática a cada um dos Estados signatários.

[Seguem-se as assinaturas dos Senhores Delegados].

Art. 15. Les traités relatifs aux brevets d'invention et marques de commerce ou de fabrique antérieurement conclus entre les pays signataires du présent instrument seront en ce qui concerne les relations des pays, remplacés par celui-ci, dès que ce dernier pourra sortir effet.

Art. 16. Les gouvernements qui voudront ratifier le présent Traité notifieront leur acceptation au Gouvernement du Mexique qui en informera les autres États contractants. Le Gouvernement du Mexique communiquera également sa ratification aux autres signataires.

Art. 17. L'échange des ratifications étant fait par deux ou plusieurs États dans la forme établie par l'article antérieur, ce Traité sera mis en vigueur depuis cet échange et ce, pour un temps indéfini.

Art. 18. La nation signataire qui croirait convenable de se délier du Traité, fera la dénonciation prévue par l'art. 16, et un an après la réception des communications respectives par les États intéressés, le Traité cessera d'être en vigueur pour la nation qui l'aurait dénoncé.

Art. 19. Pourront adhérer au Traité, dans la forme prévue par l'art. 16, les Nations d'Amérique, qui, à l'origine, n'y auraient pas souscrit.

En foi de quoi, les Plénipotentiaires et Délégués signent le présent Traité et y apposent le sceau de la Seconde Conférence Internationale Américaine.

Fait en la ville de Mexico, le trente janvier mil neuf cent deux, en trois exemplaires écrits, respectivement en espagnol, anglais et français, lesquels seront déposés au Ministère des Affaires Étrangères du Gouvernement des États-Unis Mexicains afin d'en faire des copies certifiées pour être envoyées par la voie diplomatique à chacun des États signataires.

[Suivent les signatures des Délégués]

TRATADO

DE EXTRADICION Y PROTECCION
CONTRA EL ANARQUISMO¹

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes señores Delegados:

[Siguen los nombres de los señores Delegados.]

Quienes, después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar un tratado para la extradición de criminales y para la protección contra el anarquismo, en los siguientes términos:

Art. 1. Las Altas Partes Contratantes convienen en entregarse recíprocamente á las personas acusadas

1. Véase también el "Código Bustamante," adoptado por la Sexta Conferencia Internacional Interamericana, artículos 344-381, y la Convención sobre Extradición, suscrita en la Séptima Conferencia Internacional Americana.

TREATY

FOR THE EXTRADITION
OF CRIMINALS AND FOR
PROTECTION AGAINST
ANARCHISM¹

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay;

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, / excepting those presented by the representatives of their Excellencies the Presidents of the United States of America, Nicaragua, and Paraguay, who act ad referendum, have agreed to enter into a Treaty for the extradition of criminals and for protection against anarchism, in the following terms:

Art. 1. The High Contracting Parties agree reciprocally to surrender persons accused or sentenced

1. See also the "Bustamante Code," adopted by the Sixth International Conference of American States, articles 344-381, and the Convention on Extradition, signed at the Seventh International Conference of American States.

TRATADO

DE EXTRADIÇÃO E PROTEÇÃO
CONTRA O ANARQUISMO¹

(Tradução feita na União Pan-Americana)

Suas Excelências os Presidentes das Repúblicas Argentina, Bolívia, Colômbia, Costa Rica, Chile, República Dominicana, Equador, El Salvador, Estados Unidos da América do Norte, Guatemala, Haiti, Honduras, Estados Unidos Mexicanos, Nicarágua, Paraguai, Peru e Uruguai;

Desejando que seus respectivos países estivessem representados na Segunda Conferência Internacional Americana, enviaram à mesma, devidamente autorizados para aprovar as recomendações, resoluções, convenções e tratados que julgarem úteis aos interesses da América, os seguintes Senhores Delegados:

[Seguem-se os nomes dos Senhores Delegados].

Que, depois de ter apresentado seus plenos poderes que foram encontrados em boa e devida forma, com execução dos exibidos pelos representantes do Presidente dos Estados Unidos da América, da Nicarágua e do Paraguai, que atuarão ad referendum, acordaram em celebrar um Tratado para a extradição de criminosos e para a proteção contra o anarquismo, nos seguintes termos:

1. Veja-se também o "Código Bustamante", adotado pela Sexta Conferência Internacional Americana, Artigos 344-381, e a Convenção sobre Extradicação, firmada na Sétima Conferência Internacional Americana.

TRAITÉ

D'EXTRADITION DES CRIMINELS
ET DE PROTECTION CONTRE
L'ANARCHIE¹

Leurs Excellences le Président de la République Argentine, celui de Bolivie, celui de Colombie, celui de Costa Rica, celui du Chili, celui de la République Dominicaine, celui de l'Équateur, celui du Salvador, celui des États-Unis d'Amérique, celui du Guatemala, celui d'Haiti, celui du Honduras, celui des États-Unis Mexicains, celui de Nicaragua, celui du Paraguay, celui du Pérou et celui de l'Uruguay,

Désirant que leurs pays respectifs soient représentés à la Seconde Conférence Internationale Américaine, y ont envoyé, dûment autorisés pour approuver les recommandations, décisions, conventions et traités qu'ils jugeraient utiles aux intérêts de l'Amérique, Messieurs les Délégués suivants:

[Suivent les noms des Délégués]

Lesquels, après s'être communiqué leurs plens pouvoirs et les avoir trouvés en bonne et due forme, à l'exception de ceux exhibés par les représentants de Leurs Excellences le Président des États-Unis d'Amérique, celui du Nicaragua et celui du Paraguay, qui agissent ad referendum, ont convenu de conclure un traité pour l'extradition des criminels et de protection contre l'anarchie, dans les termes suivants:

1. Voir aussi le "Code Bustamante" accepté par la Sixième Conférence Internationale Américaine, articles 344-381, et la Convention sur l'Extradition, signée à la Septième Conférence Internationale Américaine.

ó sentenciadas por autoridad competente, siempre que concurren las siguientes circunstancias:

I. Que el Estado requeriente tenga jurisdicción para encausar al delincuente que motive la demanda de extradición.

II. Que se invoque la perpetración de un crimen ó delito del orden común, que las leyes de los Estados requeriente y requerido castiguen con una pena no menor de dos años de prisión.

III. Si, con motivo del régimen federal de alguna ó algunas de las Altas Partes Contratantes, no fuere posible determinar la pena correspondiente al delito por el cual se pide la extradición, se tendrá entonces por base para la demanda, la siguiente lista de delitos:

1. Homicidio, incluso los delitos conocidos con los nombres de parricidio, asesinato, envenenamiento é infanticidio.

2. Estupro y violación.

3. Bigamia.

4. Incendio.

5. Crímenes ó delitos cometidos en el mar, á saber:

(a) Piratería, según se conoce y define comúnmente en Derecho Internacional.

(b) Destrucción ó pérdida de un buque, causadas intencionalmente, ó conspiración y tentativa para conseguir dicha destrucción ó pérdida, cuando hubieren sido cometidas por alguna persona ó personas á bordo de dicho buque en alta mar.

(c) Motín ó conspiración por dos ó más individuos de la tripulación, ó por otras personas á bordo de un buque en alta mar, con el propósito de rebelarse contra la autoridad del Capitán ó Comandante de dicho buque, ó con el de apoderarse por fraude ó violencia de dicho barco.

6. Allanamiento de morada, por el cual se entenderá el acto de asaltar la casa de otro y de entrar en ella durante la noche, con el fin de cometer un delito.

by the proper authorities whenever the following circumstances occur:

I. That the demanding State shall have jurisdiction to commit the delinquent who is the cause of the demand of extradition.

II. That the perpetration of a crime or offence of the common order which the laws of the demanding and requiring States punish with the penalty of not less than two years imprisonment, be duly invoked.

III. If, by reason of the federal form of government of some of the High Contracting Parties, it shall not be possible to determine the punishment corresponding to a crime for which extradition has been demanded, the following list of crimes shall be taken as a basis for the demand:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning and infanticide.

2. Rape.

3. Bigamy.

4. Arson.

5. Crimes committed at sea, to wit:

(a) Piracy, as commonly known and defined by the Law of Nations.

(b) Destruction or loss of a vessel, caused intentionally; or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel on the high seas.

(c) Mutiny or conspiracy by two or more members of the crew, or other persons, on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud, or by violence, taking possession of such vessel.

6. Burglary, defined to be the act of breaking and entering into the house of another in the night time, with intent to commit a felony therein.

Art. 1. As Altas Partes Contratantes acordam em fazer a entrega, umas às outras, das pessoas acusadas ou sentenciadas por autoridade competente, sempre que concorram as seguintes circunstâncias:

I. Que o Estado requerente tenha jurisdição para aprisionar o delinqüente, que motive o pedido de extradição.

II. Que se invoque a perpetração de um crime ou delito de ordem comum punível, pelas leis dos Estados requerente e requerido, com uma pena não inferior a dois anos de prisão.

III. Se, por motivo da forma federativa de alguma ou algumas das Altas Partes Contratantes, não fôr possível determinar a pena correspondente ao crime pelo qual se pede a extradição, se tomará então por base para o pedido a seguinte lista de delitos:

1. Homicídio, inclusive os crimes conhecidos pelos nomes de parricídio, assassinato, envenenamento ou infanticídio.

2. Estupro.

3. Bigamia.

4. Incêndio.

5. Crimes ou delitos cometidos no mar, a saber:

a) Pirataria, como se conhece e define comumente em Direito Internacional.

b) Destruição ou perda de um navio, causadas intencionalmente; ou conspiração e tentativa para conseguir tal destruição ou perda, quando houverem sido cometidas por alguma pessoa ou pessoas a bordo do dito navio em alto mar.

c) Motim ou conspiração por dois ou mais indivíduos da tripulação, ou por outras pessoas a bordo de uma embarcação em alto mar, com o intento de rebelar-se contra a autoridade do Capitão ou Comandante da referida embarcação, ou com o fim de apoderar-se da mesma por fraude ou violência.

Art. 1. Les Hautes Parties Contractantes conviennent de se livrer réciproquement les personnes accusées ou condamnées par des autorités compétentes, à la condition que les circonstances suivantes soient réunies:

I. Que l'État requérant ait juridiction pour poursuivre le délinquant qui fait l'objet de la demande d'extradition.

II. Que l'on invoque la perpétration d'un crime ou délit d'ordre commun que les lois des États - requérant et requis - châtient d'une peine qui n'est pas inférieure à deux ans de prison.

III. Si, en raison du régime fédéral d'une ou de plusieurs des Hautes Parties Contractantes, il n'était pas possible de déterminer la peine correspondante au délit pour lequel l'extradition est demandée, on prendra pour base de la demande la liste suivante de délits ou crimes:

1. Homicide, y compris les délits connus sous les noms de parricide, d'assassinat, d'empoisonnement et d'infanticide.

2. Séduction (estupro) et viol.

3. Bigamie.

4. Incendie.

5. Crimes ou délits commis sur mer, savoir:

(a) Piraterie, telle qu'elle est connue et définie communément dans le Droit International.

(b) Destruction ou perte d'un navire, causées intentionnellement, ou conspiration et tentative pour amener cette destruction ou perte, lorsqu'elles auraient été commises par une ou plusieurs personnes, à bord de ce navire, en haute mer.

(c) Mutinerie ou conspiration par deux individus, ou plus, de l'équipage, ou par d'autres personnes, à bord d'un navire en haute mer, dans le but de se rebeller contre l'autorité du Capitaine ou Commandant de ce navire, ou de s'emparer, par fraude ou violence, dudit bâtiment.

7. El acto de forzar la entrada á las oficinas públicas, bancos, casas de banco, cajas de ahorro, compañías de depósito ó de seguros, con el fin de cometer en ellas un robo, así como los robos que resulten de ese acto.

8. Robo con violencia, entendiéndose por tal, la substracción por la fuerza de bienes ó dinero ajenos, ó ejerciendo violencia ó intimidación.

9. Falsificación ó expendio, ó circulación de documentos falsificados.

10. Falsificación ó alteración de los actos oficiales del Gobierno ó de la autoridad pública, incluso los tribunales, ó el empleo ó uso fraudulento de algunos de los mismos actos.

11. Falsificación de moneda, sea en metálico ó en papel, de títulos ó cupones de deuda pública, ú otros títulos de crédito público, de billetes de Banco, de sellos, timbres, cuños y marcas de la nación ó de la administración pública, y el expendio, circulación ó uso fraudulento de alguno de los objetos antes mencionados.

12. Importación de instrumentos para falsificar moneda, ó billetes de banco, ó papel moneda.

13. Peculado ó malversación de fondos públicos, cometidos dentro de la jurisdicción de cualquiera de las Partes Contratantes, por empleados ó depositarios públicos.

14. Abuso de confianza cometido con fondos de un banco de depósito ó de una caja de ahorros, ó de una compañía de depósito, organizada conforme á las leyes.

15. Abuso de confianza por una persona ó personas á sueldo ó salario, en perjuicio de aquel que los tiene á su servicio, cuando el delito está sujeto á una pena conforme á las leyes del lugar donde fué cometido.

16. Plagio de menores ó adultos, entendiéndose por tal el hecho de apoderarse de una persona ó personas, ó detenerlas para exigir dinero por su rescate ó para cualquiera otro fin ilegal.

17. Mutilación ó inutilización de cualquier miembro principal del cuerpo, y cualquiera otra mutilación

7. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.

8. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

9. Forgery or the utterance of forged papers.

10. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.

11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, or other instruments of public credit; of counterfeit seals, bank notes, stamps, dies, and marks of State, or public administration, and the utterance, circulation, or fraudulent use of any of the above mentioned objects.

12. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.

13. Embezzlement or malversation of public funds committed within the jurisdiction of either party by public officers or depositaries.

14. Embezzlement of funds of a bank of deposit, or savings bank, or trust company, chartered under the laws.

15. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.

16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them for their ransom or for any other unlawful end.

17. Mayhem and any other willful mutilation causing disability or death.

6. Entrada em casa alheia, pela qual se entenderá o ato de assaltar a casa de outrem, e de entrar nela durante a noite, com o fim de cometer um delito.

7. O ato de forçar a entrada em repartições públicas, bancos, casas bancárias, caixas econômicas, fideicomissárias ou companhias de seguro, com o fim de cometer roubo, assim como os roubos resultantes desse ato.

8. Roubo, usando violência, entendendo-ser por tal, a subtração pela força de bens ou dinheiro alheios, ou exercendo violência ou intimidação.

9. Falsificação ou passagem, ou circulação de documentos falsificados.

10. Falsificação ou alteração dos atos oficiais do Governo ou da autoridade pública, inclusive dos tribunais, ou o emprêgo ou uso fraudulento de alguns dos mesmos atos.

11. Falsificação de moeda, seja de metal ou de papel, de títulos ou cupons da dívida pública, ou outros títulos de crédito público, cédulas ou bilhetes de banco, de selos, carimbos, cunhos e marcas da nação ou da administração pública, e a passagem, circulação ou uso fraudulento de algum dos objetos antes mencionados.

12. Importação de instrumentos para falsificar moeda, ou bilhetes de banco ou papel moeda.

13. Peculato ou malversação dos fundos públicos, cometidos dentro da jurisdição de qualquer das Partes Contratantes, por empregados ou depositários públicos.

14. Abuso de confiança cometido com fundos de um banco de depósito ou de uma caixa econômica, ou de uma companhia fideicomissária, organizada de acordo com as leis.

15. Abuso de confiança por uma pessoa ou pessoas a sôlido ou salário, em prejuízo daquele que as tem a seu serviço, quando o delito está sujeito a pena cominada pelas leis do lugar onde fôr cometido.

6. Violation de domicile, terme sous lequel on désignera le fait d'assaillir la maison d'autrui et d'y entrer pendant la nuit dans le but d'y commettre un délit.

7. L'acte de forcer l'entrée des bureaux publics, ou d'une banque, des maisons de banque, caisses d'épargne, compagnies de dépôts ou d'assurances, dans le but d'y commettre un vol, ainsi que les vols qui résulteraient de ces actes.

8. Vol avec violence, en considérant comme tel la soustraction, par la force, de biens ou d'argent d'autrui, ou en exerçant de la violence ou de l'intimidation.

9. Falsification, vente, ou mise en circulation de documents falsifiés.

10. Falsification ou altération des actes officiels du Gouvernement ou de l'autorité publique, y compris les tribunaux, ou l'emploi ou l'usage frauduleux de l'un quelconque de ces mêmes actes.

11. Falsification de monnaie, soit en espèces ou en papier, de titres ou coupons de dette publique ou autres titres de crédit public, de billets de Banque, de sceaux, timbres, coins et marques de la nation ou de l'administration publique, et la vente, la mise en circulation, ou l'usage frauduleux de l'un quelconque des objets ci-dessus mentionnés.

12. Importation d'instruments pour falsifier la monnaie, ou les billets de Banque, ou le papier monnaie.

13. Pécumat, ou malversation de fonds publics, commise dans la juridiction de l'une quelconque des Parties Contractantes, par des employés ou dépositaires publics.

14. Abus de confiance, commis avec des fonds d'une banque de dépôt ou d'une caisse d'épargne, ou d'une compagnie de dépôt, organisée conformément aux lois.

15. Abus de confiance commis par une, ou des personnes, à soldo ou salariées, au préjudice de celui les ayant à son service, lorsque le délit est passible d'une peine, conformément aux lois du lieu où il fut commis.

intencional que cause incapacidad para trabajar, ó la muerte.

18. Destrucción maliciosa ó ilegal, ó la tentativa de destrucción de ferrocarriles, trenes, puentes, vehículos, buques ú otros medios de comunicación, ó de edificios públicos ó privados, cuando el acto cometido ponga en peligro la vida humana.

19. Obtener por medio de amenazas de hacer daño, ó de maquinaciones ó artificios, dinero, valores ú otros bienes muebles, ó la compra de los mismos á sabiendas de cómo se han obtenido, cuando estos delitos estén penados con prisión ú otro castigo corporal por las leyes de ambos países.

20. Hurto ó robo sin violencia, entendiéndose por tal el apoderamiento de efectos, bienes muebles, caballos, ganado vacuno ó de otra clase, ó de dinero, por valor al menos de veinticinco pesos, ó recibir á sabiendas propiedades sustraídas de ese valor.

21. El conato de algunos de los delitos antes enumerados, cuando esté penado con prisión ú otra pena corporal por las leyes de ambas Partes Contratantes.

IV. Que el Estado requeriente presente documentos que, según sus leyes, autoricen la prisión preventiva y el enjuiciamiento del reo.

V. Que el delito ó la pena no estén prescritos, según las leyes de ambos países.

VI. Que el reo, si ha sido sentenciado, no haya cumplido su condena.

Art. 2. No podrá concederse la extradición por delitos políticos ó por hechos que les sean conexos. No serán reputados delitos políticos los actos que estén calificados de anarquismo por la legislación del país requeriente y por la del requerido.

Art. 3. En ningún caso la nacionalidad de la persona acusada podrá impedir su entrega en las condiciones estipuladas por el presente Tratado; pero ningún Gobierno estará obligado á conceder la extradición de sus pro-

18. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels and other means of travel, or of public edifices and private dwellings, when the act committed shall endanger human life.

19. Obtaining by threats or injury, or by false devices, money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when such crimes or offences are punishable by imprisonment or other corporal punishment by the laws of both countries.

20. Larceny, defined to be the theft of effects, personal property, horses, cattle, live stock, or money, of the value of at least twenty-five dollars, or receiving stolen property, of that value knowing it to be stolen.

21. Extradition shall also be granted for the attempt to commit any of the crimes and offences above enumerated, when such attempt is punishable with prison or other corporal penalty by the laws of both Contracting Parties.

IV. That the demanding State present documents which, according to its laws, authorize the provisional arrest and the legal commitment of the offender.

V. That either the offence or penalty has not prescribed, in conformity with the respective laws of both countries.

VI. That the offender, if already sentenced, has not served his sentence.

Art. 2. Extradition shall not be granted for political offences or for deeds connected therewith. There shall not be considered as political offences acts which may be classified as pertaining to anarchism, by the legislation of both the demanding country and the country from whom the demand is made.

Art. 3. In no case can the nationality of the person accused prevent his or her surrender under the con-

16. Rapto de menores ou adultos, entendendo-se por tal o fato de apoderar-se de uma pessoa ou pessoas, ou detê-las para exigir dinheiro pelo seu resgate ou para qualquer outro fim ilegal.

17. Mutilação ou inutilização de qualquer membro principal do corpo, e qualquer outra mutilação intencional que cause incapacidade para trabalhar, ou a morte.

18. Destruição maliciosa ou ilegal, ou a tentativa de destruição de vias férreas, trens, pontes, veículos, embarcações ou outros meios de comunicações, ou de edifícios públicos ou privados, quando o ato cometido ponha em perigo a vida humana.

19. Obtenção, por meio de ameaças de causar danos, ou de ardis ou artifícios, de dinheiro, valores ou outros bens móveis, ou compra dos mesmos sabendo como foram obtidos, quando estes delitos sejam punidos com prisão ou outro castigo corporal pelas leis de ambos os países.

20. Furto ou roubo sem violência, entendendo-se por isto, tomar posse de bens móveis ou imóveis, cavalos, gado vacum ou de outra espécie, ou de dinheiro, no valor de pelo menos vinte-e-cinco mil réis, ou receber propriedade deste valor sabendo ter sido a mesma roubada.

21. A tentativa de perpetração de alguns dos delitos antes enumerados, quando para a mesma esteja cominada a pena de prisão ou outra punição corporal pelas leis de ambas as Partes Contratantes.

IV. Que o Estado requerente apresente documentos que, de acordo com suas leis, autorizem a prisão preventiva e o processo do réu.

V. Que o delito ou a pena não estejam prescritos, segundo as leis de ambos os países.

VI. Que o réu, já tendo sido sentenciado, não tenha ainda cumprido a sua sentença.

Art. 2. Não poderá ser concedida extradição por delitos políticos ou por atos correlatos. Não serão considerados crimes políticos os atos que sejam classificados de anarquismo

16. Séquestração de mineurs ou d'adultes, en comprenant, comme telle, le fait s'emparer d'une personne, ou de personnes, ou de les séquestrer, pour exiger de l'argent pour leur rançon, ou dans tout autre but illégal.

17. Mutilation ou inutilisation de tout principal membre du corps et toute autre mutilation intentionnelle causant incapacité de travail ou la mort.

18. Destruction malveillante ou illégale, ou tentative de destruction de chemins de fer, trains, ponts, véhicules, bateaux, ou autres moyens de communication, ou d'édifices publics ou privés, lorsque l'acte commis met en danger la vie humaine.

19. L'obtention, au moyen de menaces de faire tort, ou de machinations ou d'artifices, d'argent, de valeurs ou d'autres biens meubles, ou l'achat de ceux-ci ne sachant comment ils ont été obtenus, lorsque ces délits sont punis d'emprisonnement ou passibles d'une autre peine corporelle par les lois des deux pays.

20. Larcin, ou vol sans violence, en comprenant comme tel le fait de s'emparer d'effets, biens meubles, chevaux, bétail bovin ou d'autres espèces, ou d'argent, pour une valeur d'au moins vingt-cinq piastres, ou recevoir, en connaissant la source, des propriétés soustraites et ayant cette valeur.

21. La tentative de plusieurs des délits ci-dessus énumérés, lorsqu'elle est punie de prison ou d'une autre peine corporelle par les lois des deux Parties Contractantes.

IV. Que l'État requérant présente des documents qui, selon ses lois, autorisent la prison préventive et la mise en jugement de l'inculpé.

V. Que le délit ou la peine ne soient pas prescrits, selon les lois des deux pays.

VI. Que l'inculpé, s'il a été condamné, n'ait pas accompli sa peine.

Art. 2. L'extradition ne pourra être accordée pour délits politiques ou pour des faits qui leur seraient connexes. Ne seront pas réputés délits politiques, les actes qui sont

pios ciudadanos, sino que podrá entregarlos cuando á su juicio sea conveniente hacerlo.

Art. 4. Si la persona cuya extradición se solicita se encuentra sujeta á un procedimiento penal, ó está detenida por haber delinquido en el país donde se ha refugiado, deberá diferirse su entrega hasta la conclusión del proceso, ó hasta que haya cumplido su condena.

No serán un obstáculo para la entrega las obligaciones civiles que el acusado tenga contraídas en el país de refugio.

Art. 5. La extradición acordada no autoriza el enjuiciamiento y castigo del individuo entregado, por delito distinto del que hubiese servido de fundamento á la demanda respectiva, á no ser que tenga conexión con el que la motivó y se funde en las mismas pruebas de la demanda.

Esta estipulación no se aplica á los crímenes ó delitos cometidos con posterioridad á la extradición.

Art. 6. Si otro ú otros Estados, en virtud de estipulaciones de tratados, solicitan la entrega de un mismo individuo por motivo de diferentes delitos, se atenderá, en primer lugar, al pedido de aquel en cuyo territorio, á juicio del Estado requerido, se haya cometido la infracción más grave. Si los delitos fueran estimados de la misma gravedad, se dará preferencia al Estado que tenga prioridad en el pedido de extradición; y si todos los pedidos tuvieren la misma fecha, el país requerido determinará el orden de la entrega.

Art. 7. Las demandas de extradición serán presentadas por medio de los Agentes Diplomáticos ó Consulares respectivos; y á falta de éstos, directamente de Gobierno á Gobierno; é irán acompañadas de los siguientes documentos:

I. Respecto de los presuntos delincuentes: copia legalizada de la ley penal aplicable á la infracción que motivare la demanda, y del auto de

condena estipulado por el presente Tratado, but no Government shall be bound to grant the extradition of its own citizens, reserving to itself the right to surrender them when in its judgment it is proper to do so.

Art. 4. If the person whose extradition is demanded is subject to penal proceedings, or is detained for having committed an offence in the country where he has sought refuge, his delivery shall be delayed until the end of the proceedings, or until he has served his sentence.

Civil obligations contracted by the accused in the country of refuge shall not be an obstacle to his delivery.

Art. 5. Extradition, when granted, does not authorize the trial and punishment, of the party surrendered, for a crime different from the one that may have served as ground for the corresponding demand; unless it has connection therewith and is founded upon the same proof as that of the demand.

This stipulation is not applicable to crimes or felonies committed after extradition.

Art. 6. If another State or States, by virtue of stipulations in treaties, demand the surrender of the same individual by reason of different felonies, preference shall be given to the demand of the State in whose territory the greatest offence has been committed in the judgment of the State upon which the requisition has been made. If the felonies should be considered of the same degree, preference shall be given to the State that may have priority in the demand for extradition, and if all the demands bear the same date, the country upon which the demand is made shall determine the order of surrender.

Art. 7. The requests for extradition shall be presented by the respective diplomatic or consular agents; and, in the absence of these, directly by one Government to another; and they shall be accompanied by the following documents:

I. In regard to alleged delinquents, a legalized copy of the penal law ap-

pela legislação tanto do país requerente como do requerido.

Art. 3. Em caso algum a nacionalidade da pessoa acusada poderá impedir sua entrega nas condições estipuladas por este Tratado; mas nenhum Governo estará obrigado a conceder a extradição de seus próprios cidadãos, podendo fazê-lo quando julgar apropriado.

Art. 4. Se a pessoa cuja extradição é pedida está sujeita a processo penal, ou se encontra detida por ter cometido algum delito no país em que se homiziou, sua entrega deverá ser adiada até a conclusão do processo, ou até que haja cumprido a sentença que lhe foi imposta.

Não constituirão obstáculo para a entrega as obrigações civis que o acusado tenha contraído no país de asilo.

Art. 5. A extradição concedida não autoriza o julgamento e punição do indivíduo entregue, por crime diferente do que o que tiver servido de base ao pedido de extradição, a não ser que tenha relação com o que motivou esse pedido, e se funde nas mesmas provas que o fundamentaram.

Esta estipulação não se aplica aos crimes ou delitos cometidos posteriormente à extradição.

Art. 6. Se outro ou outros Estados, em virtude de estipulações de tratados, solicitarem a entrega de um mesmo indivíduo por motivo de diferentes delitos, será atendido, em primeiro lugar, o pedido daquele em cujo território, a juízo do Estado que recebeu o pedido de extradição, tenha sido cometida a infração mais grave. Se os delitos forem considerados da mesma gravidade, darse-á preferência ao Estado que tenha prioridade no pedido de extradição; e se todos os pedidos tiverem a mesma data, o país a que tenha sido feito o pedido decidirá sobre a ordem de entrega.

Art. 7. Os pedidos de extradição serão apresentados por intermédio dos respectivos agentes diplomáticos ou consulares; e, à falta destes, di-

qualifiés d'anarchisme par la législation du pays requérant et par celle du pays requis.

Art. 3. Dans aucun cas, la nationalité de la personne accusée ne pourra empêcher sa remise dans les conditions stipulées par le présent Traité, mais aucun Gouvernement ne sera obligé d'accorder l'extradition de ses propres citoyens; il pourra les livrer quand, à son avis, il sera convenable de le faire.

Art. 4. Si la personne dont l'extradition est sollicitée était l'objet de poursuites pénales ou était arrêtée pour avoir commis un délit dans les pays où elle s'était réfugiée, sa remise devra être différée, jusqu'à la conclusion du procès, ou jusqu'à ce qu'elle ait purgé sa condamnation.

Les obligations civiles que l'accusé aurait contractées dans le pays de refuge ne seront pas un obstacle pour la remise.

Art. 5. L'extradition accordée n'autorise pas le jugement et le châtimement de l'individu remis, pour un délit distinct de celui qui aurait servi de base à la demande respective, à moins que ce délit n'ait une connexion avec celui qui motiva ladite demande et qu'il soit fondé sur les mêmes preuves que celle-ci.

Cette stipulation ne s'applique pas aux crimes ou délits commis postérieurement à l'extradition.

Art. 6. Si un autre, ou plusieurs États, en vertu de stipulations de traités, sollicitent la remise d'un même individu, pour le motif de différents délits, il sera fait droit, en premier lieu, à la demande de celui sur le territoire duquel, de l'avis de l'État requis, aurait été commise l'infraction la plus grave. Si les délits étaient estimés de la même gravité, la préférence sera donnée à l'État qui aurait la priorité dans la demande d'extradition; et si toutes les demandes étaient de la même date, le pays requis déterminera l'ordre de la remise.

Art. 7. Les demandes d'extradition seront présentées par la voie des Agents Diplomatiques ou Consu-

prisión y demás documentos á que se refiere la fracción IV del art. 1.

II. Respecto de los sentenciados: copia legalizada de la sentencia condenatoria ejecutoriada.

Deberá también acompañarse á la demanda todos los datos y antecedentes necesarios para establecer la identidad de la persona cuya extradición se reclamare.

Art. 8. En caso de urgencia, se podrá conceder la detención provisional del individuo reclamado, en virtud de petición telegráfica del Gobierno requeriente al Ministro de Relaciones Exteriores, ó á la autoridad competente del requerido, en la cual se prometa el envío de los documentos indicados en el artículo anterior; pero el detenido será puesto en libertad, si éstos no fueren presentados dentro del término que fije la nación requerida, no excediendo de tres meses, contados desde la fecha del arresto.

Art. 9. La demanda de extradición, en cuanto á sus trámites, a la apreciación de la legitimidad de su procedencia, y á la admisión y calificación de las excepciones con que pudiese ser impugnada por parte del reo ó prófugo reclamado, quedará sujeta, en lo que no se oponga á lo prescrito en este Tratado, á la decisión de las autoridades competentes del país de refugio, las cuales arreglarán sus procedimientos á las disposiciones y prácticas legales establecidas para el caso en el mismo país. Queda garantizado al reo prófugo el derecho de usar el recurso de habeas corpus ó amparo de sus garantías individuales.

Art. 10. Todos los objetos que se encontraren en poder del acusado, si los hubiere obtenido por medio de la perpetración del hecho de que se le acusa, ó pudiesen servir de prueba del delito por el cual se pide su extradición, serán secuestrados y entregados con su persona. Sin embargo,

plicable to the offence for which the demand is made, and of the commitment and other requisites referred to in Clause IV of art. 1, shall be furnished.

II. With regard to those already sentenced, a legalized copy of the final sentence of condemnation.

All data and antecedents necessary to prove the identity of the person whose surrender is asked for, shall also accompany the demand.

Art. 8. In cases of urgency, the provisional detention of the individual asked for may be granted on a telegraphic request, from the demanding Government to the Minister of Foreign Affairs, or to the proper authority of the country upon which the demand shall be made, and wherein a promise shall be made of sending the documents mentioned in the foregoing article; but the person detained shall be set free, if such documents are not presented within the term that may be designated by the nation on which the demand has been made, provided such term shall not exceed three months, to be counted from the date of the detention.

Art. 9. The demand for extradition, in so far as the procedure is concerned, the determination of the genuineness of its origin, the admission and competency of the exception with which they can be opposed by the criminal or fugitive demanded, shall be submitted, whenever they do not conflict with the prescriptions of this Treaty, to the decision of the competent authorities of the country of refuge, which shall proceed in accordance with the legal provisions and practices established for such a case in said country. The fugitive criminal is guaranteed the right of habeas corpus, or the protection (recurso de amparo) of his individual guarantees.

Art. 10. All property which may be found in the possession of the accused, should he have obtained it through the perpetration of the act of which he is accused, which may

retamente de govêrno a govêrno, e deverão ser acompanhados dos seguintes documentos:

I. Relativamente aos supostos delinqüentes: cópia autenticada da lei penal aplicável à infração que motivar o pedido, e do auto de prisão e demais documentos a que se refere a alínea IV do art. 1.

II. Relativamente aos sentenciados: pública-forma da sentença condenatória executória.

Deverão também acompanhar o pedido todos os dados e antecedentes necessários a estabelecer a identidade da pessoa cuja extradição seja reclamada.

Art. 8. Em caso de urgência, poder-se-á conceder a detenção temporária do indivíduo reclamado mediante pedido telegráfico do govêrno requerente ao Ministério das Relações Exteriores, ou à autoridade competente do país a que é feito o pedido, no qual se prometa a remessa dos documentos indicados no artigo anterior; mas o detido será pôsto em liberdade se, dentro do prazo fixado pelo país a que tiver sido feito o pedido, prazo não excedente de três meses contados da data da prisão, os documentos em questão não forem apresentados.

Art. 9. O Pedido, no que concerne aos seus trâmites legais, à determinação da legitimidade de sua procedência e à admissão e qualificação das exceções com que possa ser impugnado pelo réu ou fugitivo reclamado, ficará sujeito, quando não contrarie o estipulado neste Tratado, à decisão das autoridades competentes do país de asilo, as quais procederão de acôrdo com as disposições e práticas legais estabelecidas para o caso no referido país. Ao réu fugitivo fica assegurado o direito ao recurso de habeas corpus ou proteção de seus direitos individuais.

Art. 10. Todos os objetos que se encontrarem em poder do acusado, se êste os tiver obtido por meio da perpetração do ato delituoso de que

lares respectifs; et à défaut de ceux-ci, directement au Gouvernement. Elles seront accompagnées des documents suivants:

I. Relativement aux présumés délinquants: copie légalisée de la loi pénale applicable à l'infraction qui motiverait la demande, et de l'acte d'emprisonnement et autres documents auxquels se réfère la fraction IV de l'art. 1.

II. Relativement aux condamnés, copie légalisée de la condamnation exécutoire.

La demande devra également être accompagnée de tous les renseignements et documents nécessaires pour établir l'identité de la personne dont on réclamerait l'extradition.

Art. 8. En cas d'urgence, l'arrestation provisoire de l'individu réclamé pourra être accordée, en vertu d'une requête télégraphique du Gouvernement requérant au Ministère des Relations Extérieures ou à l'autorité compétente du pays requis. Cette requête contiendra la promesse d'envoyer les documents indiqués dans l'article antérieur; mais le détenu sera mis en liberté si ces documents n'étaient pas présentés dans le délai que fixerait la Nation requise, et qui ne dépassera pas trois mois, comptés depuis la date de l'arrestation.

Art. 9. La demande d'extradition, quant à ses formalités, à l'appréciation de la légitimité de sa provenance, et à l'admission et la qualification des exceptions dont elle pourrait être l'objet de la part de l'inculpé ou du fugitif réclamé sera soumise, en ce qui ne s'oppose pas aux prescriptions de ce Traité, à la décision des autorités compétentes du pays de refuge, lesquelles devront conformer leurs actes aux dispositions et pratiques légales établies pour le cas dans le même pays. Il reste, à l'inculpé, fugitif, la garantie du droit de faire usage du recours d'habeas corpus, ou sauvegarde (recurso de amparo) de ses garanties individuelles.

Art. 10. Tous les objets qui seraient trouvés au pouvoir de l'ac-

quedarán á salvo los derechos de terceros sobre las cosas sustraídas, si no estuviesen implicadas en la acusación.

Art. 11. El tránsito por el territorio de uno de los Estados Contratantes, de algún individuo entregado por tercera Potencia á otro Estado y que no pertenezca al país de tránsito, será concedido mediante la simple presentación, en original ó en copia legalizada de la resolución, en que se haya concedido la extradición por el Gobierno del país de refugio.

Art. 12. Todos los gastos ocasionados con la extradición de un prófugo serán á cargo del Estado requeriente, exceptuándose las compensaciones de los funcionarios públicos que reciban sueldos fijos.

Art. 13. La extradición de todo individuo culpable de actos de anarquismo puede pedirse siempre que la legislación de los Estados, requeriente y requerido, haya establecido la pena para dichos actos. En este caso, la extradición se concederá aun cuando el delito imputado al reclamado tuviere una pena menor de dos años de prisión.

Art. 14. Los Gobiernos Contratantes convienen en sujetar á arbitraje las controversias que puedan suscitarse acerca de la interpretación ó ejecución de este Tratado, cuando se hayan agotado los medios de arreglo directo.

Cada Parte contratante nombrará un árbitro, y los dos árbitros designarán un tercero para el caso de discordia. La Comisión de Arbitros determinará el procedimiento arbitral en cada caso.

Art. 15. El presente Tratado permanecerá en vigor durante cinco años, contados desde el día en que se haga el último canje de ratificaciones, y seguirá en vigor por otros cinco años más, si doce meses antes de que expire el primer período de cinco años

serve as a proof of the crime for which his extradition is asked, shall be confiscated and delivered up with his person. Nevertheless, due recognition shall be given to the rights of third parties to the confiscated articles, provided they are not implicated in the accusation.

Art. 11. The transit through the territory of one of the Contracting States of any individual delivered by a third country to another State not belonging to the country of transit, shall be granted on the simple presentation, either of the original or of a legalized copy of the resolution granting the extradition by the Government of the country of refuge.

Art. 12. All expenses connected with extradition of the fugitive shall be for the account of the demanding State, with the exception of the compensation to the public functionaries who receive a fixed salary.

Art. 13. The extradition of any individual guilty of acts of anarchism can be demanded whenever the legislation of the demanding State and of that on which the demand is made has established penalties for such acts. In such case, it shall be granted, although the individual whose extradition be demanded may be liable to imprisonment of less than two years.

Art. 14. The Contracting Governments agree to submit to arbitration all controversies which may arise out of the interpretation or carrying into effect of this Treaty, when all means for a direct settlement by friendly agreements shall have failed.

Each Contracting Party shall name an arbitrator, and the two shall name an umpire, in case of dispute. The Committee of Arbitrators shall adopt the rules for the arbitration proceedings in every case.

Art. 15. The present Treaty shall remain in force for five years from the day on which the last exchange of ratifications shall have been made and shall remain in force for another term of five years, if it should not

se o acusa, ou que pudessem servir de prova do delito por motivo do qual é pedida a sua extradição, serão apreendidos e entregues juntamente com o acusado. Ficarão a salvo, entretanto, os direitos de terceiros sobre as cousas seqüestradas, contanto que não estejam implicados na acusação.

Art. 11. O trânsito pelo território de um dos Estados Contratantes, de algum indivíduo entregue por terceira Potência a outro Estado e que não pertença ao país de trânsito, será concedido mediante a simples apresentação, no original ou em cópia autenticada, da resolução em que se haja concedido a extradição pelo govêrno do país de asilo.

Art. 12. Todas as despesas ocasionadas pela extradição de um fugitivo, correrão por conta do Estado requerente, excetuando-se as compensações dos funcionários públicos que recebam ordenados fixos.

Art. 13. A extradição de todo indivíduo culpado de atos de anarquismo, pode ser requerida sempre que a legislação tanto do Estado requerente como do requerido, tenha estabelecido a pena para ditos atos. Em tal caso, será a extradição concedida mesmo quando o delito imputado ao indivíduo reclamado tiver uma pena menor de dois anos de prisão.

Art. 14. Os Governos Contratantes convêm em submeter a arbitragem as controvérsias que possam surgir relativamente à interpretação ou execução dêste Tratado, quando tenham sido esgotados todos os meios diretos.

Cada Parte Contratante nomeará um árbitro, e os dois árbitros designarão um terceiro para o caso de discordância. A Comissão Arbitral resolverá o processo de arbitragem em cada caso.

Art. 15. O presente Tratado permanecerá em vigor durante cinco anos, contados do dia em que tenha sido efetuada a última troca de ratificações, e continuará a vigorar por mais cinco anos se, doze meses antes de expirar o primeiro prazo de cinco

cusé, s'il les avait obtenus au moyen de la perpétration du fait dont il est accusé ou qui pourraient servir de preuve du délit pour lequel son extradition est demandée, seront séquestrés et remis avec sa personne. Cependant, les droits des tiers, sur les choses séquestrées, seront saufs, si ces tiers n'étaient pas impliqués dans l'accusation.

Art. 11. Le transit, par le territoire d'un des États Contractants, de quelque individu remis par une tierce Puissance à un autre État, et qui n'appartiendrait pas au pays de transit, sera accordé moyennant la simple présentation de l'original, ou d'une copie légalisée, de la résolution par laquelle l'extradition aurait été accordée par le Gouvernement du pays de refuge.

Art. 12. Tous les frais occasionnés par l'extradition d'un fugitif seront à la charge de l'État requérant, en exceptant les compensations aux fonctionnaires publics qui reçoivent des appointements fixes.

Art. 13. L'extradition de tout individu coupable d'actes d'anarchisme peut être demandée, pourvu que la législation des États requérant et requis ait établi la pénalité pour ces actes. En ce cas, l'extradition sera accordée même lorsque le délit imputé à l'individu réclamé serait passible d'une peine inférieure à deux ans de prison.

Art. 14. Les Gouvernements Contractants conviennent de soumettre à l'arbitrage les controverses qui pourraient se produire au sujet de l'interprétation ou de l'exécution de ce Traité, lorsque les moyens de règlement direct auraient été épuisés.

Chaque Partie Contractante nommera un arbitre, et en cas de désaccord les deux arbitres en désigneront un troisième. La Commission d'arbitres fixera la procédure arbitrale dans chaque cas.

Art. 15. Le présent Traité restera en vigueur durant cinq ans, comptés depuis le jour où se fera le dernier échange des ratifications: il continuera d'être en vigueur pendant cinq

no fuere denunciado. En el caso de que alguno ó algunos de los Gobiernos lo denunciare, seguirá en vigor entre las otras Partes Contratantes. Esta Convención será ratificada y las ratificaciones se canjearán en la Ciudad de México, dentro del término de un año de su firma.

Art. 16. Si algunas de las Altas Partes Contratantes hubieren celebrado ya entre sí tratados de extradición, quedarán éstos reformados solamente en la parte modificada ó alterada por las disposiciones del presente.

Artículo Transitorio

Los representantes de Costa Rica, Ecuador, Honduras y Nicaragua firman este Tratado con la reserva de que sus respectivos Gobiernos no entregarán á los delincuentes que merezcan pena de muerte, según la legislación de los países requerientes, sino bajo la promesa de que se les conmutará esa pena por la inmediata inferior.

Si los Gobiernos de las Delegaciones mencionadas mantienen la misma reserva al ratificar el presente Tratado, éste los ligará únicamente con aquellos que acepten la mencionada condición.

En fe de lo cual los Plenipotenciarios y Delegados firman el presente Tratado y ponen en él el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México el día veintiocho de enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

[Siguen las firmas de los señores Delegados.]

have been denounced twelve months before the expiration of that period. In case any Government or Governments should denounce it, it shall remain in force among the other Contracting Parties. This Treaty shall be ratified, and the ratifications shall be exchanged in the city of Mexico, within one year from the time of its being signed.

Art. 16. If any of the High Contracting Parties should have concluded treaties of extradition among themselves, such treaties shall be amended only in the part modified or altered by the provisions of the present Treaty.

Transitory Article

The representatives of Costa Rica, Ecuador, Honduras and Nicaragua sign this Treaty with the reserve that their respective Governments shall not deliver the culprit who deserves the death penalty, according to the legislation of the demanding countries, except under the promise that such penalty shall be commuted for the one next below in severity.

If the Governments of the above mentioned Delegations sustain the same reserve on ratifying the present Treaty, the latter will only bind them with those Governments which accept the conditions referred to.

In testimony whereof the Plenipotentiaries and Delegates sign the present Treaty and set thereto the seal of the Second International American Conference;

Made in the City of Mexico, on the twenty-eighth day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

[Here follow the signatures of the Delegates.]

anos, não fôr denunciado. No caso de algum ou alguns dos Governos denunciarem, continuará em vigor entre as outras Partes Contratantes. Este Tratado será ratificado e as ratificações serão trocadas na Cidade do México, dentro de um ano após a sua assinatura.

Art. 16. Se as Altas Partes Contratantes já tiverem celebrado entre si tratados de extradição, estes serão reformados somente na parte modificada ou alterada pelas disposições do presente Tratado.

Disposição Transitória

Os representantes de Costa Rica, Equador, Honduras e Nicarágua, assinam este Tratado com a reserva de que seus respectivos Governos não entregarão os delinquentes que mereçam a pena de morte, de acordo com a legislação dos países requerentes, exceto sob a promessa de que essa pena lhes será comutada para a que lhe seja imediatamente inferior.

Se ao ratificarem o presente Tratado os Governos das Delegações antes mencionadas mantiverem a mesma reserva, o Tratado os ligará unicamente aos Governos que aceitarem a referida condição.

Em testemunho do que, os Plenipotenciários e Delegados firmam o presente Tratado e lhe apõem o selo da Segunda Conferência Internacional Americana.

Feito na Cidade do México aos vinte e oito dias do mês de janeiro de mil novecentos e dois, em três exemplares escritos em castelhano, inglês e francês respectivamente, que serão depositados na Secretaria das Relações Exteriores do Governo dos Estados Unidos Mexicanos, para que dêles se extraiam cópias autenticadas para serem enviadas por via diplomática a cada um dos Estados signatários.

[Seguem-se as assinaturas dos Senhores Delegados].

ans de plus s'il n'était pas dénoncé douze mois avant l'expiration de la première période de cinq ans. Dans le cas où l'un quelconque, ou plusieurs des Gouvernements le dénonceraient, il restera en vigueur entre les autres parties contractantes. Cette Convention sera ratifiée et les ratifications seront échangées dans la ville de Mexico et dans le délai d'un an à partir de sa signature.

Art. 16. Si plusieurs des Hautes Parties Contractantes avaient déjà conclu entre elles des traités d'extradition, ceux-ci seront réformés, seulement, dans la partie modifiée ou altérée par les dispositions du présent Traité.

Article Transitoire

Les représentants du Costa Rica, de l'Équateur, du Honduras et du Nicaragua signent ce Traité sous la réserve que leurs Gouvernements respectifs ne livreront pas les délinquants qui mériteraient la peine de mort, selon la législation des pays requérants, si ce n'est sous la promesse que cette peine sera commuée pour celle immédiatement inférieure.

Si les Gouvernements des Délégations mentionnées maintiennent la même réserve en ratifiant le présent Traité, celui-ci ne les liera qu'avec ceux qui accepteraient cette condition.

En foi de quoi, les Plénipotentiaires et Délégués signent le présent Traité et y apposent le sceau de la Seconde Conférence Internationale Américaine.

Fait en la ville de Mexico, le vingt-huit janvier mil neuf cent deux, en trois exemplaires, écrits, respectivement, en espagnol, anglais et français, lesquels seront déposés au Ministère des Affaires Étrangères du Gouvernement des États-Unis Mexicains, afin d'en faire des copies certifiées pour être envoyées, par la voie diplomatique, à chacun des États signataires.

[Suivent les signatures des Délégués]

CONVENCION

SOBRE EL EJERCICIO DE
PROFESIONES LIBERALES

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes señores Delegados:

[Siguen los nombres de los señores Delegados.]

Quienes, después de haberse comunicado sus plenos poderes y encontrádoslos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención para el Ejercicio de Profesiones liberales, en los siguientes términos:

Art. 1. Los ciudadanos de cualquiera de las Repúblicas que subscriben la presente Convención, podrán

1. Véase también el Tratado General de Arbitraje Interamericano y el Protocolo de Arbitraje Progresivo, suscritos en la Conferencia Internacional Americana de Conciliación y Arbitraje, celebrada en Wáshington en 1928-29.

Este Tratado fué firmado sólo en español.

CONVENTION

ON THE PRACTICE OF
LEARNED PROFESSIONS

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay;

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act ad referendum, have agreed to celebrate a Convention on the Practice of Learned Professions, in the following terms:

Art. 1. The citizens of any of the Republics signing the present Convention, may freely exercise the profession for which they may be duly au-

1. See also the General Treaty of Inter-American Arbitration, and the Protocol of Progressive Arbitration, signed at the International Conference of American States on Conciliation and Arbitration, held at Washington in 1928-29.

This Treaty was signed only in Spanish.

CONVENÇÃO
SÔBRE O EXERCÍCIO DE
PROFISSÕES LIBERAIS

(Tradução feita na União Pan-Americana)

Suas Excelências os Presidentes das Repúblicas Argentina, Bolívia, Colômbia, Costa Rica, Chile, República Dominicana, Equador, El Salvador, Estados Unidos da América do Norte, Guatemala, Haiti, Honduras, Estados Unidos Mexicanos, Nicarágua, Paraguai, Peru e Uruguai;

Desejando que seus respectivos países estivessem representados na Segunda Conferência Internacional Americana, enviaram à mesma, devidamente autorizados para aprovar as recomendações, resoluções, convenções e tratados que julgassem úteis aos interesses da América, os seguintes Senhores Delegados:

[Seguem-se os nomes dos Senhores Delegados].

Que, depois de ter apresentado seus plenos poderes que foram encontrados em boa e devida forma, com exceção dos exibidos pelos representantes do Presidente dos Estados Unidos da América, da Nicarágua e do Paraguai, que atuarão ad referendum, acordaram em celebrar uma Convenção para o Exercício de Profissões Liberais, nos seguintes termos:

1. Veja-se também o Tratado Geral de Arbitragem Interamericano e o Protocolo de Arbitragem Progressiva, assinados na Conferência Internacional Americana de Conciliação e Arbitragem, realizada em Washington em 1928-29.

Este Tratado só foi assinado em espanhol.

CONVENTION
POUR L'EXERCICE DES
PROFESSIONS LIBÉRALES

Leurs Excellences le Président de la République Argentine, celui de Bolivie, celui de Colombie, celui de Costa Rica, celui du Chili, celui de la République Dominicaine, celui de l'Équateur, celui du Salvador, celui des États-Unis d'Amérique, celui du Guatemala, celui d'Haïti, celui du Honduras, celui des États-Unis Mexicains, celui du Nicaragua, celui du Paraguay, celui du Pérou et celui de l'Uruguay,

Désirant que leurs pays respectifs soient représentés à la Seconde Conférence Internationale Américaine y ont envoyé, dûment autorisés pour approuver les recommandations, décisions, conventions et traités qu'ils jugeraient utiles aux intérêts de l'Amérique, Messieurs les Délégués suivants:

[Suivent les noms des Délégués]

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, à l'exception de ceux exhibés par les représentants de Leurs Excellences le Président des États-Unis d'Amérique, celui du Nicaragua et celui du Paraguay, qui agissent ad referendum, ont convenu de conclure une Convention pour l'Exercice des Professions Libérales, dans les termes suivants:

1. Voir aussi le Traité Général d'Arbitrage Interaméricain et le Protocole d'Arbitrage Progressif, signés à la Conférence Internationale Américaine de Conciliation et d'Arbitrage, réalisée à Washington en 1928-1929.

Ce Traité a été signé seulement en espagnol.

ejercer libremente en el territorio de las otras, la profesión para la cual estuvieren habilitados con un diploma ó título expedido por la autoridad competente en cada uno de los países signatarios, con tal que dicho diploma ó título cumpla con los requisitos establecidos en los arts. 4 y 5, siempre que la ley del país en que va á ejercerse la profesión no exija para su ejercicio la calidad de ciudadano.

Los certificados de estudios preparatorios ó superiores, expedidos en cualquiera de los países que celebran esta Convención, en favor de nacionales de uno de ellos, producirán en todos los demás países contratantes los mismos efectos que les atribuyere la ley de las Repúblicas de donde emanen, siempre que haya reciprocidad y no resulten ventajas superiores á las reconocidas por la legislación del país en que se quiera hacer uso de esos certificados.

Art. 2. Por lo que respecta á los títulos profesionales procedentes de los colegios ó universidades de cada Estado, Territorio y Distrito de Columbia de los Estados Unidos de América, en vista de que esas instituciones no se hallan bajo el patronato del Gobierno Federal, ni en muchos casos del de los Gobiernos de los Estados, sólo se reconocerán por los países signatarios los títulos ó diplomas expedidos por los colegios ó universidades de los Estados cuya legislación ofreciere reciprocidad y que hubieren sido expedidos según las condiciones prescriptas en el art. 5 de esta Convención.

Art. 3. Cada una de las Partes Contratantes se reserva, sin embargo, el derecho de exigir á los ciudadanos de las otras, que presenten diplomas ó títulos de médico ó de cualquiera otra profesión relacionada con la cirugía y la medicina, incluyéndose también la de farmacéutico, que se sometan á un previo examen general sobre los ramos de la profesión que acredita el título ó diploma respec-

thorized by diploma or title granted by a competent national authority, of each one of the signatory states, in any of the territories of the other nations, provided that such diploma or title complies with the regulations established in arts. 4 and 5, and that the laws of the country, in which it is desired to practice the profession, do not require the practitioner to be a citizen.

The certificates of preparatory and higher studies, issued by any of the countries, parties to this Convention, in favor of citizens of one of their number, shall have in all the rest of the contracting countries the same effect as those authorized by the laws of the Republics of their origin, provided that they do not confer greater advantages than those recognized by the legislation of the country in which such certificates are to be used, and provided that there shall be reciprocity.

Art. 2. With respect to the professional titles issued by the colleges or universities of each State, Territory and of the District of Columbia, of the United States of America, in view of the fact that those institutions are not under the control of the Federal Government, nor in many cases under that of the State Governments, the signatory countries shall only recognize the titles and diplomas issued by the colleges and universities of those States, whose legislation offers reciprocity, and which shall have been issued according to the conditions provided in art. 5 of this Convention.

Art. 3. Each one of the Contracting Parties reserves to itself, however, the right to require of the citizens of another country, who may present diplomas or titles of physician or of any other profession related to surgery or medicine, including that of pharmacy, that they submit themselves to a previous general examination in the branch of the profession which the respective titles or diplomas may authorize to be practiced, in

Art. 1. Os cidadãos de qualquer das Repúblicas signatárias da presente Convenção poderão exercer livremente, no território das outras, a profissão para a qual estiverem habilitados com um diploma ou título expedido pela autoridade competente em cada um dos países signatários, contanto que dito diploma ou título satisfaça às exigências estabelecidas nos Arts. 4 e 5, sempre que a lei do país em que se vai exercer a profissão não exija para o seu exercício a qualidade de cidadão do referido país.

As certidões de estudos preparatórios ou superiores, expedidas em qualquer dos países que celebram esta Convenção, em favor de nacionais de um deles, produzirão em todos os demais países contratantes os mesmos efeitos que lhes atribui a lei das Repúblicas de onde provenham, desde que haja reciprocidade e não advenham vantagens superiores às reconhecidas pela legislação do país em que se deseja fazer uso dessas certidões.

Art. 2. No que respeita aos títulos profissionais emanados dos colégios ou universidades de cada Estado, Território e do Distrito de Colúmbia dos Estados Unidos da América, em vista dessas instituições não se acharem sob o patrocínio do Governo Federal, nem em muitos casos do dos Governos dos Estados, só serão reconhecidos pelos países signatários os títulos ou diplomas expedidos pelos colégios ou universidades dos Estados cuja legislação oferecer reciprocidade, e que tiverem sido expedidos de acordo com as condições prescritas no art. 5 desta Convenção.

Art. 3. Cada uma das Partes Contratantes se reserva, não obstante, o direito de exigir dos cidadãos das outras, que apresentem diplomas ou títulos de médico ou de qualquer outra profissão relacionada com a cirurgia e a medicina, incluindo-se também a de farmacêutico, que se submetam a um exame prévio geral sobre as ma-

Art. 1. Les citoyens de l'une quelconque des Républiques qui signent la présente Convention, pourront exercer librement sur le territoire des autres, la profession qu'autoriserait un diplôme ou titre délivré par l'autorité compétente dans chacun des pays signataires, à la condition que ledit diplôme ou titre remplisse les conditions établies dans les arts. 4 et 5, et que la loi du pays dans lequel la profession va être exercée, n'exige pas, pour son exercice, la qualité de citoyen.

Les certificats d'études préparatoires ou supérieures délivrés dans l'un des pays qui passent cette Convention, en faveur de nationaux d'un d'eux, produiront dans tous les autres pays contractants les mêmes effets que leur attribuerait la loi des Républiques d'où ils émanent, à la condition qu'il y ait réciprocité et qu'il n'en résulte pas des avantages supérieurs à ceux reconnus par la législation du pays dans lequel l'on veut faire usage de ces certificats.

Art. 2. En ce qui concerne les titres professionnels délivrés par les collèges ou universités de chaque État, par le Territoire et District de Colombie des États-Unis d'Amérique, étant donné que ces institutions ne se trouvent pas sous le patronage du Gouvernement Fédéral, ni, dans beaucoup de cas, sous celui des Gouvernements des États, seront seulement reconnus, par les pays signataires les titres ou diplômes délivrés par les collèges ou universités des États dont la législation offrirait la réciprocité et qui auraient été délivrés selon les conditions prescrites dans l'art. 5 de cette Convention.

Art. 3. Chacune des Parties Contractantes se réserve cependant le droit d'exiger des citoyens des autres pays qui présentent des diplômes ou titres de médecin ou de toute autre profession ayant des rapports avec la chirurgie et la médecine, y compris également celle de pharmacien, qu'ils se soumettent à un examen général préalable sur les matières de la pro-

tivo, en la forma que cada Gobierno determine.

Art. 4. Cada una de las Altas Partes Contratantes pondrá en conocimiento de las otras, cuáles son sus universidades ó cuerpos docentes, cuyos títulos ó diplomas deban ser aceptados por los demás, como válidos para el ejercicio de las profesiones de que trata esta Convención.

Por lo que respecta á la observancia de la disposición anterior por parte de los Estados Unidos de América, el Departamento de Estado de este país pondrá en conocimiento de las otras repúblicas signatarias, todos los actos legislativos de los respectivos Estados de los Estados Unidos referentes al reconocimiento de los títulos ó diplomas de los demás países firmantes, y transmitirá á los distintos Estados de los Estados Unidos, cuya legislación ofreciere reciprocidad, las informaciones que reciba, dando á conocer los títulos y diplomas de los respectivos cuerpos docentes ó universidades de las otras Repúblicas que éstas recomendaren como válidas.

Las demás Partes Contratantes reconocerán los títulos y diplomas de las Universidades de los Estados, territorios y del Distrito de Columbia de los Estados Unidos que cada una de ellas eligiere.

No obstante esta disposición, aquellas instituciones docentes de los Estados Unidos que no fueren reconocidas por las demás repúblicas signatarias y que se consideraren con títulos suficientes para serlo, podrán solicitar el reconocimiento de sus diplomas profesionales ante los Gobiernos respectivos, mediante una solicitud acompañada de los justificativos correspondientes, los que serán calificados por la autoridad competente de cada uno de los países contratantes.

Art. 5. El diploma, título ó certificado de estudios preparatorios y superiores, debidamente autenticados, y el certificado de identidad de

such a manner as may be determined by each Government.

Art. 4. Each one of the High Contracting Parties shall give official notice to the others which are the universities or institutions of learning in the Signatory Countries whose titles or diplomas are accepted as valid by the others for the practice of the professions which form the subject of this Convention.

As regards the observance of the foregoing provision by the United States of America, the Department of State of that country shall acquaint the other signatory republics with the legislative acts of the respective States of the United States relating to the recognition of the titles or diplomas of the said Signatory Republics and it shall convey, to the various States of the United States whose legislation admits of reciprocity, the information which it may receive, making known the titles and diplomas of the respective institutions of learning or Universities of the other Republics which the latter may recommend as valid.

The other High Contracting Parties shall give due recognition to the titles and diplomas of the Universities of the States, Territories and District of Columbia of the United States, which each one of the said High Contracting Parties may select.

Notwithstanding this provision, the educational institutions of the United States, which may not be recognized by the other signatory republics and which may consider themselves sufficiently entitled to it, may solicit the recognition of their professional diplomas by the respective Governments, by means of a petition to be accompanied with the corresponding proofs, which shall be passed upon in the manner which each Government may deem proper.

Art. 5. The diploma, title or certificate of preparatory or higher studies, duly authenticated, and the certification of identification of the

térias da profissão constante do título ou diploma respectivo, na forma determinada por cada Governo.

Art. 4. Cada uma das Altas Partes Contratantes levará ao conhecimento das outras quais são suas universidades ou corpos docentes, cujos títulos ou diplomas devam ser aceites pelas demais, como válidos para o exercício das profissões de que trata esta Convenção.

No que respeita à observância da disposição anterior por parte dos Estados Unidos da América, o Departamento de Estado dêse país dará conhecimento, às outras repúblicas signatárias, de todos os atos legislativos dos respectivos Estados dos Estados Unidos, referentes ao reconhecimento dos títulos ou diplomas dos demais países assinantes, e transmitirá aos diferentes Estados dos Estados Unidos, cuja legislação oferece reciprocidade, as informações que receba, dando a conhecer os títulos e diplomas dos respectivos corpos docentes ou universidades das outras repúblicas que estas recomendarem como válidas.

As demais Partes Contratantes reconhecerão os títulos e diplomas das Universidades dos Estados, Territórios e do Distrito de Colúmbia dos Estados Unidos que cada uma delas eleger.

Não obstante esta disposição, as instituições docentes dos Estados Unidos que não forem reconhecidas pelas demais repúblicas signatárias, e que se considerarem com títulos suficientes para sê-lo, poderão solicitar o reconhecimento de seus diplomas profissionais perante os Governos respectivos, mediante petição acompanhada dos motivos justificativos que no caso couberem, os quais serão classificados pela autoridade competente em cada um dos países contrantes.

Art. 5. O diploma, título ou certificado de estudos preparatórios e superiores devidamente autenticados, e a certidão de identidade de pessoa

qu' autorise le titre ou diplôme respectif, dans la forme que chaque gouvernement déterminerait.

Art. 4. Chacune des Hautes Parties Contractantes fera savoir aux autres quelles sont ses universités ou corporations savantes dont les titres ou diplômes doivent être acceptés par les autres, comme valables pour l'exercice des professions dont traite cette Convention.

En ce qui concerne l'observation de la disposition ci-dessus, de la part des États-Unis d'Amérique, le Département d'État de ce pays, portera à la connaissance des autres républiques signataires, tous les actes législatifs des États respectifs des États-Unis ayant trait à la reconnaissance des titres ou diplômes des autres pays signataires, et il transmettra aux différents États des États-Unis, dont la législation offrirait la réciprocité, les informations qu'il recevrait en faisant connaître les titres et diplômes des corporations savantes ou Universités respectives des autres Républiques, que celles-ci recommanderaient comme valables.

Les autres Parties Contractantes reconnaîtront les titres et diplômes des Universités des États, Territoires et du District de Colombie des États-Unis que chacune d'elles choisirait.

Malgré cette disposition, celles des institutions savantes des États-Unis qui ne seraient pas reconnues par les autres républiques signataires et qui se considéreraient comme ayant des titres suffisants pour l'être, pourront solliciter la reconnaissance de leurs diplômes professionnels auprès des Gouvernements respectifs, au moyen d'une demande accompagnée des pièces justificatives correspondantes, lesquelles seront appréciées par l'autorité compétente de chacun des pays contractants.

Art. 5. Le diplôme, titre ou certificat d'études préparatoires et supérieures dûment légalisés et le certificat d'identité de la personne, déli-

persona expedido por el respectivo agente diplomático ó consular, acreditado en la nación que hubiere otorgado cualquiera de esos documentos, producirán los efectos pactados en la presente Convención, después que hayan sido registrados en el Ministerio de Relaciones Exteriores del país en que se desea ejercer la profesión; debiendo dicho Departamento de Estado poner este trámite en conocimiento de la Cancillería del país de donde el título emana.

Art. 6. La presente Convención no altera en manera alguna los tratados que las Altas Partes Contratantes tengan actualmente en vigor y ofrezcan mayores franquicias.

Art. 7. La presente Convención regirá por tiempo indeterminado, pudiendo cualquiera de las Altas Partes Contratantes hacerla cesar, por lo que á ella respecta, un año después de haberla formalmente denunciado á las otras.

No será indispensable para la vigilancia de esta Convención su ratificación simultánea por todas las naciones signatarias. La que lo apruebe lo comunicará á las demás por la vía diplomática, y este procedimiento hará las veces de canje.

En fe de lo cual, los Plenipotenciarios y Delegados firman la presente Convención y ponen en ella el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México, el día veintiocho de enero de mil novecientos dos, en tres ejemplares escritos en castellano, inglés y francés respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

[Siguen las firmas de los señores Delegados.]

person, given by the respective diplomatic or consular agent accredited to the country which has issued any of these documents, shall be sufficient to meet the requirements contemplated by this Convention, after they have been registered in the Department of Foreign Relations of the country in which it is desired to practice the profession, which Department shall inform the proper authorities of the country in which the respective title may have been issued, that these requisites have been complied with.

Art. 6. The present Convention does not modify in any manner the treaties which the High Contracting Parties have now in force and which may offer greater privileges.

Art. 7. The present Convention shall remain in force indefinitely, but any of the High Contracting Parties may abrogate it, in so far as such country is concerned, one year after having formally denounced it.

There shall not be indispensable for the enforcement of this Convention its simultaneous ratification by all the signatory nations. The country approving it, shall communicate such approval to the other States, through diplomatic channels, and such proceedings shall answer the purpose of an exchange of ratifications.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-seventh day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

[Here follow the signatures of the Delegates.]

dada pelo respectivo agente diplomático ou consular acreditado na nação que tiver fornecido qualquer desses documentos, produzirão os efeitos pactuados nesta Convenção, depois que tenham sido registrados no Ministério das Relações Exteriores do país em que se deseja exercer a profissão, devendo o Departamento de Estado levar esta medida ao conhecimento da Chancelaria do país de onde provenha o título.

Art. 6. A presente Convenção não altera de forma alguma os tratados que as Altas Partes Contratantes tenham atualmente em vigor e oferecem maiores prerrogativas.

Art. 7. A presente Convenção vigorará por tempo indeterminado, podendo qualquer das Altas Partes Contratantes fazê-la terminar, pelo que respeita à sua parte, um ano depois de havê-la formalmente denunciado às outras.

Não será indispensável para a vigência desta Convenção sua ratificação simultânea por todas as nações signatárias. Aquela que a aprove, comunicá-lo á às demais por via diplomática, e este procedimento fará as vezes de permuta de ratificação.

Em testemunho do que, os Plenipotenciários e Delegados firmam a presente Convenção e lhe apõem o selo da Segunda Conferência Internacional Americana.

Feita na Cidade do México aos vinte e oito dias do mês de janeiro de mil novecentos e dois, em três exemplares escritos em castelhano, inglês e francês respectivamente, que serão depositados na Secretaria das Relações Exteriores dos Estados Unidos Mexicanos, para que dêles se extraiam cópias autenticadas para serem enviadas por via diplomática a cada um dos Estados signatários.

[Seguem-se as assinaturas dos Senhores Delegados].

vré par l'agent diplomatique ou consulaire respectif accrédité dans le pays qui aurait accordé l'un quelconque de ces documents, produiront les effets établis dans la présente Convention, dès qu'ils auront été enregistrés au Ministère des Affaires Étrangères du pays dans lequel l'on désire exercer la profession; ledit Département d'État devant porter cette formalité à la connaissance de la Chancellerie du pays d'où le titre émane.

Art. 6. La présente Convention n'altère en aucune façon les traités actuellement en vigueur entre les Hautes Parties Contractantes et offrant de plus grandes franchises.

Art. 7. La présente Convention restera en vigueur, pendant un temps indéterminé; chacune des Hautes Parties Contractantes pouvant en faire cesser les effets, en ce qui la concerne, un an après l'avoir formellement dénoncée aux autres.

La ratification simultanée de cette Convention par toutes les nations signataires, ne sera pas indispensable pour sa mise en vigueur. Celle qui l'approuvera en fera part aux autres par la voie diplomatique et cet acte tiendra lieu d'échange.

En foi de quoi, les Plénipotentiaires et Délégués signent la présente Convention et y apposent le sceau de la Seconde Conférence Internationale Américaine.

Fait en la ville de Mexico, le vingt-huit janvier mil neuf cent deux, en trois exemplaires écrits respectivement, en espagnol, anglais et français, lesquels seront déposés au Ministère des Affaires Étrangères du Gouvernement des États-Unis Mexicains afin d'en faire des copies certifiées pour être envoyées, par la voie diplomatique, à chacun des États signataires.

[Suivent les signatures de Délégués]

CONVENCION

RELATIVA A LOS DERECHOS DE
EXTRANJERIA

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Desearo que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes señores Delegados:

[Siguen los nombres de los señores Delegados.]

Quienes, después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar una Convención relativa á los derechos de los extranjeros, en los siguientes términos:

1. Este Tratado fué prorrogado hasta 1912 por la Convención sobre Reclamaciones Pecunarias, suscrita en la Tercera Conferencia Internacional Americana, y fué reemplazado por la Convención del mismo nombre, suscrita en la Cuarta Conferencia Internacional Americana.

CONVENTION

RELATIVE TO THE RIGHTS OF
ALIENS

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay, Peru and Uruguay;

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representative of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act ad referendum, have agreed to celebrate a Convention relative to the rights of Aliens in the following terms:

1. This Treaty was extended to 1912 by the Convention on Pecuniary Claims signed at the Third International Conference of American States, and was replaced by the Convention signed at the Fourth International Conference of American States.

CONVENÇÃO

RELATIVA AOS DIREITOS DE
ESTRANGEIROS

(Tradução feita na União Pan-Americana)

Suas Excelências o Presidente da República Argentina, da Bolívia, da Colômbia, de Costa Rica, do Chile, da República Dominicana, do Equador, de El Salvador, dos Estados Unidos da América do Norte, da Guatemala, do Haiti, de Honduras, dos Estados Unidos Mexicanos, da Nicarágua, do Paraguai, do Peru e do Uruguai;

Desejando que seus respectivos países estivessem representados na Segunda Conferência Internacional Americana, enviaram à mesma, devidamente autorizados para aprovar as recomendações, resoluções, convenções e tratados que julgassem úteis aos interesses da América, os seguintes Senhores Delegados:

[Seguem-se os nomes dos Senhores Delegados].

Que, depois de ter apresentado seus plenos poderes que foram encontrados em boa e devida forma, com exceção dos exibidos pelos representantes do Presidente dos Estados Unidos da América, da Nicarágua e do Paraguai, que atuarão ad referendum, acordaram em celebrar uma Convenção relativa aos Direitos dos Estrangeiros, nos seguintes termos:

Art. 1. Os estrangeiros gozam de todos os direitos civis de que gozam

1. Este Tratado foi prorrogado até 1912 pela Convenção sobre Reclamações Pecuniárias, assinada na Terceira Conferência Internacional Americana, e foi substituído pela Convenção do mesmo nome, firmada na Quarta Conferência Internacional Americana.

CONVENTION

RELATIVE AUX DROITS DES
ÉTRANGERS

Leurs Excellences le Président de la République Argentine, celui de Bolivie, celui de Colombie, celui de Costa Rica, celui du Chili, celui de la République Dominicaine, celui de l'Équateur, celui du Salvador, celui des États-Unis d'Amérique, celui du Guatemala, celui d'Haïti, celui du Honduras, celui des États-Unis Mexicains, celui de Nicaragua, celui du Paraguay, celui du Pérou et celui de l'Uruguay,

Désirant que leurs pays respectifs soient représentés à la Seconde Conférence Internationale Américaine, y ont envoyé, dûment autorisés pour approuver les recommandations, décisions, conventions et traités qu'ils jugeraient utiles aux intérêts de l'Amérique, Messieurs les Délégués suivants:

[Suivent les noms des Délégués]

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, à l'exception de ceux exhibés par les représentants de Leurs Excellences le Président des États-Unis d'Amérique, celui du Nicaragua et celui du Paraguay, qui agissent ad referendum, ont convenu de conclure une Convention relative aux droits des Étrangers dans les termes suivants:

Premier. Les étrangers jouissent de tous les droits civils dont jouissent

1. Ce Traité a été prorogé jusqu'à 1912 par la Convention sur Réclamations de Dommages Pécuniaires, signée à la Troisième Conférence Internationale Américaine, et remplacé par la Convention du même nom, signée à la Quatrième Conférence Internationale Américaine.

Art. 1. Los extranjeros gozan de todos los derechos civiles de que gozan los nacionales, y deben hacer uso de ellos en el fondo, en la forma ó procedimiento y en los recursos á que den lugar, absolutamente en los mismos términos que dichos nacionales, salvo lo que disponga la Constitución de cada país.

Art. 2. Los Estados no tienen ni reconocen á favor de los extranjeros otras obligaciones ó responsabilidades que las que á favor de los nacionales se hallen establecidas por su Constitución y por sus leyes.

En consecuencia, los Estados no son responsables de los daños sufridos por los extranjeros por causa de actos de facciosos ó de individuos particulares, y en general de los daños originados por casos fortuitos de cualquiera especie, considerándose tales, los actos de guerra, ya sea civil ó nacional, sino en el caso de que la autoridad constituída haya sido remisa en el cumplimiento de sus deberes.

Art. 3. En todos los casos en que un extranjero tenga reclamaciones ó quejas del orden civil, criminal ó administrativo contra un Estado, ó sus nacionales, deberá interponer su demanda ante el tribunal competente del país; y no podrá reclamarse por la vía diplomática, sino en los casos en que haya habido, de parte de ese tribunal, manifiesta denegación de justicia, ó retardo anormal, ó violación evidente de los principios del Derecho Internacional.

En fe de lo cual, los Plenipotenciarios y Delegados firman la presente Convención y ponen en ella el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México, el día veintinueve de enero de mil novecientos dos, en tres ejemplares en castellano, inglés y francés, respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de

First: Aliens shall enjoy all civil rights pertaining to citizens, and make use thereof in the substance, form or procedure, and in the recourses which result therefrom, under exactly the same terms as the said citizens, except as may be otherwise provided by the Constitution of each country.

Second: The States do not owe to, nor recognize in, favor of foreigners, any obligations or responsibilities other than those established by their Constitutions and laws in favor of their citizens.

Therefore, the States are not responsible for damages sustained by aliens through acts of rebels or individuals, and in general, for damages originating from fortuitous causes of any kind, considering as such the acts of war, whether civil or national; except in the case of failure on the part of the constituted authorities to comply with their duties.

Third: 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.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the Seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-ninth day of January nineteen hundred and two, in three copies written in Spanish, English and French, respectively, which shall be deposited at the Department of Foreign Relations of the Government of the United Mexican States, so that certified copies thereof may be made,

os nacionais, e devem fazer uso dêles no fundo, na forma ou processo e nos recursos a que dêem lugar, absolutamente nos mesmos têrmos que os ditos nacionais, exceto no que disponha a Constituição de cada país.

Art. 2. Os Estados não têm nem reconhecem a favor dos estrangeiros outras obrigações ou responsabilidades a não ser as que a favor dos nacionais se achem estipuladas na sua Constituição e por suas leis.

Por conseguinte, os Estados não são responsáveis pelos danos sofridos pelos estrangeiros em consequência de atos praticados por revoltosos ou por pessoas particulares, e em geral pelos prejuízos resultantes de casos fortuitos de qualquer natureza, considerando-se como tais os casos de guerra, seja civil ou nacional, exceto nos casos em que a autoridade constituída tenha sido remissa no cumprimento de seus deveres.

Art. 3. Em todos os casos em que um estrangeiro tenha reclamações ou queixas de ordem civil, criminal ou administrativa contra um Estado, ou seus nacionais, deverá recorrer, para obter satisfação, ao tribunal competente do país; e não poderá encaminhar sua reclamação por via diplomática, a não ser que tenha havido, da parte dêsse tribunal, manifesta denegação de justiça ou demora anormal, ou patente violação dos princípios do Direito Internacional.

Em testemunho do que, os Plenipotenciários e Delegados assinam esta Convenção e lhe apõem o sêlo da Segunda Conferência Internacional Americana.

Feita na cidade do México aos vinte e nove dias do mês de janeiro de mil novecentos e dois, em três exemplares em castelhano, inglês e francês, respectivamente, que serão depositados na Secretaria das Relações Exteriores do Governo dos Estados Unidos Mexicanos, para que dêles se extraiam cópias autenticadas para

les nationaux et ils doivent en faire usage dans le fond, la forme ou la procédure, et, dans les recours auxquels ils donnent lieu, absolument dans les mêmes termes que lesdits nationaux, sauf ce que disposerait la Constitution de chaque pays.

Second. Les États n'ont et ne reconnaissent, en faveur des étrangers, d'autres obligations ou responsabilités que celles qui se trouveraient établies par leurs Constitutions et par leurs lois, en faveur des nationaux.

En conséquence, les États ne sont pas responsables des dommages subis par les étrangers du fait d'actes de factieux ou d'individus particuliers et, en général, de torts occasionnés par des cas fortuits, de quelque espèce que se soit, en considérant comme tels les faits de guerre, soit civile, soit nationale, excepté dans le cas où l'autorité constituée aurait été en défaut dans l'exécution de ses devoirs.

Troisième. Dans tous les cas où un étranger aurait des réclamations ou des plaintes d'ordre civil, criminel ou administratif, contre un État ou ses nationaux, il devra présenter sa demande devant le tribunal compétent du pays, et il ne pourra faire valoir sa réclamation par la voie diplomatique que dans les cas où il y aurait eu, de la part dudit tribunal, déni manifeste de justice, ou retard anormal, ou violation évidente des principes du Droit International.

En foi de quoi, les Plénipotentiaires et Délégués signent la présente Convention et y apposent le sceau de la Seconde Conférence Internationale Américaine.

Fait en la ville de Mexico le vingt-neuf janvier mil neuf cent deux, en trois exemplaires écrits, respectivement, en espagnol, anglais et français, lesquels seront déposés au Ministère des Affaires Étrangères du Gouvernement des États-Unis Mexicains afin d'en faire des copies certifiées pour

ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

[Siguen las firmas de los señores Delegados,]

in order to send them through the diplomatic channel to the signatory States.

[Here follow the signatures of the Delegates.]

serem enviadas por via diplomática
a cada um dos Estados signatários.

[Seguem-se as assinaturas dos Senhores Delegados].

être envoyées par la voie diplomatique à chacun des États signataires.

[Suivent les signatures des Délégués]

TRATADO
DE ARBITRAJE OBLIGATORIO¹

Los infrascritos, Delegados á la Segunda Conferencia Internacional Americana por la República Argentina, Bolivia, República Dominicana, Guatemala, El Salvador, México, Paraguay, Perú y Uruguay, reunidos en la ciudad de México, y debidamente autorizados por sus respectivos Gobiernos, han convenido en los siguientes artículos:

Art. 1. Las Altas Partes Contratantes se obligan á someter á la decisión de árbitros todas las controversias que existen ó lleguen á existir entre ellas, y que no puedan resolverse por la vía diplomática, siempre que á juicio exclusivo de alguna de las Naciones interesadas, dichas controversias no afecten ni la independencia ni el honor nacionales.

Art. 2. No se considerarán comprometidos ni la independencia ni el honor nacionales en las controversias sobre privilegios diplomáticos, límites, derechos de navegación, y validez, inteligencia y cumplimiento de tratados.

Art. 3. En virtud de la facultad que reconoce el art. 26 de la Convención para el arreglo pacífico de los conflictos Internacionales, firmada en la Haya, en 29 de julio de 1899, las Altas Partes Contratantes convienen en someter á la decisión de la Corte Permanente de Arbitraje que dicha Convención establece, todas las controversias á que se refiere el presente Tratado, á menos que alguna de las Partes prefiera que se organice una jurisdicción especial.

En caso de someterse á la Corte Permanente de La Haya, las Altas Partes Contratantes aceptan los pre-

TREATY
ON COMPULSORY ARBITRATION¹

The undersigned, Representatives of Argentina, Bolivia, the Dominican Republic, Guatemala, El Salvador, Mexico, Paraguay, Peru and Uruguay, at the Second International American Conference, held at Mexico City, and duly authorized by their respective Governments, have agreed upon the following articles:

Art. 1. 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. 2. Independence or national honor shall not be considered as involved in controversies with regard to diplomatic privileges, boundaries, rights of navigation, and validity, construction and enforcement of treaties.

Art. 3. By virtue of the power established in art. 26 of the Convention for the peaceful adjustment of international differences signed at The Hague on July 29, 1899, the High Contracting Parties agree to submit to the decision of the Permanent Court of Arbitration, created by such Conventions, 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

TRATADO

DE ARBITRAGEM OBRIGATÓRIA¹

(Tradução feita na União Pan-Americana)

Os abaixo assinados, Delegados à Segunda Conferência Internacional Americana pela República Argentina, Bolívia, República Dominicana, Guatemala, El Salvador, México, Paraguai, Peru e Uruguai, reunidos na cidade do México, e devidamente autorizados pelos seus respectivos Governos, convencionaram os seguintes termos:

Art. 1. As Altas Partes Contratantes se obrigam a submeter à decisão dos árbitros todas as controvérsias existentes ou que venham a existir entre elas, e que não possam ser resolvidas pela via diplomática, sempre que, a juízo de alguma das Nações interessadas, ditas controvérsias não afetem nem a independência nem a honra nacionais.

Art. 2. As questões relativas a privilégios diplomáticos, limites, direitos de navegação, e validez, interpretação e cumprimento dos tratados, não afetam a independência nem a honra nacionais.

Art. 3. Em virtude da faculdade estabelecida no art. 26 da Convenção para a Solução Pacífica dos Conflitos Internacionais, firmada Haia a 29 de julho de 1899, as Altas Partes Contratantes convêm em submeter à decisão da Corte Permanente de Arbitragem que dita Convenção estabelece, todas as controvérsias a que se refere o presente Tratado, a menos que alguma das partes prefira que se constitua uma jurisdição especial.

TRAITÉ

D'ARBITRAGE OBLIGATOIRE¹

Les soussignés, Délégués de la République Argentine, de Bolivie, de la République Dominicaine, du Guatemala, du Salvador, des États-Unis Mexicains, du Paraguay, du Pérou, et de l'Uruguay, représentés à la Seconde Conférence Internationale Américaine réalisée dans la ville de Mexico, et dûment autorisés par leurs Gouvernements respectifs, ont convenu ce qui suit:

Art. 1. Les Hautes Parties Contractantes s'obligent à soumettre à l'arbitrage tous les litiges qui existent ou existeront entre elles et qui ne pourraient se résoudre par la voie diplomatique dans le cas où, suivant l'appréciation d'une des nations intéressées, lesdits conflits n'affecteraient ni l'indépendance ni l'honneur national.

Art. 2. Les litiges qui concernent les privilèges diplomatiques, les limites, les droits de navigation et leur validité, l'interprétation et l'accomplissement des traités, ne seront pas considérés comme compromettant l'indépendance et l'honneur nationaux.

Art. 3. En vertu de la faculté reconnue dans l'art 26 de la Convention pour le règlement pacifique des conflits internationaux, signée à La Haye le 29 juillet 1899, les Hautes Parties Contractantes ont convenu de soumettre à la décision de la Cour Permanente d'Arbitrage établie par ladite Convention, tous les conflits auxquels se rapporte le présent Traité, à moins que l'une des Parties préfère qu'une juridiction spéciale soit établie.

ceptos de la referida Convención, tanto en lo relativo á la organización del Tribunal Arbitral, como respecto á los procedimientos á que éste haya de sujetarse.

Art. 4. Siempre que por cualquier motivo deba organizarse una jurisdicción especial, ya sea porque así lo quiera alguna de las Partes, ya porque no llegue á abrirse á ellas la Corte Permanente de Arbitraje de La Haya, se establecerá, al firmarse el compromiso, el procedimiento que se haya de seguir. El Tribunal determinará la fecha y lugar de sus sesiones, el idioma de que haya de hacerse uso, y estará en todo evento investido de la facultad de resolver todas las cuestiones relativas á su propia jurisdicción y aun las que se refieren al procedimiento en los puntos no previstos en el compromiso.

Art. 5. Si al organizarse la jurisdicción especial no hubiere conformidad de las Altas Partes Contratantes para designar el árbitro, el Tribunal se compondrá de tres jueces. Cada Estado nombrará un árbitro y éstos designarán el tercero. Si no pueden ponerse de acuerdo sobre esta designación, la hará el Jefe de un tercer Estado, que indicarán los árbitros nombrados por las Partes. No poniéndose de acuerdo para este último nombramiento, cada una de las Partes designará una Potencia diferente, y la elección del tercero será hecha por las dos Potencias así designadas.

Art. 6. Las Altas Partes Contratantes estipulan que, en caso de disenso grave ó de conflicto entre dos ó más de ellas, que haga inminente la guerra, se recurra, en tanto que las circunstancias lo permitan, á los buenos oficios ó á la mediación de una ó más de las Potencias amigas.

Art. 7. Independientemente de este recurso, las Altas Partes Contratantes juzgan útil que una ó mas Potencias, extrañas al conflicto,

to the organization of the Tribunal and to its procedure.

Art. 4. Whenever a special Tribunal should be organized on any account, whether it is so 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. 5. 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 arbitrator shall be made by the two Powers so designated.

Art. 6. The High Contracting Parties hereby stipulate 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 of one or more friendly Powers.

Art. 7. Independently of this recourse, the High Contracting Parties consider it useful, that one or more

No caso em que se submeta a questão à Corte Permanente de Haia, as Altas Partes Contratantes aceitam os preceitos da referida Convenção tanto no que concerne à organização do Tribunal Arbitral quanto aos processos a que este tenha de sujeitar-se.

Art. 4. Toda vez que por qualquer motivo se haja de organizar uma jurisdição especial, já porque assim o queira uma das Partes e já porque não esteja aberta para elas a Corte Permanente de Arbitragem de Haia, se estabelecerá, ao assinar o compromisso, o processo a seguir. O Tribunal decidirá a data e lugar de suas sessões, o idioma que tenha de ser usado e será em qualquer caso investido de atribuições para resolver todas as questões relativas à sua própria jurisdição, e bem assim as que se referirem ao processo nos pontos não previstos no compromisso.

Art. 5. Se, ao instituir a jurisdição especial, as Altas Partes Contratantes não tiverem ficado de acordo sobre a escolha do árbitro, o Tribunal compor-se-á de três juizes. Cada Estado nomeará um árbitro e estes designarão o terceiro. Se não puderem pôr-se de acordo sobre esta designação, os árbitros nomeados pelas Partes indicarão o chefe de um terceiro Estado que indicará o terceiro árbitro. Se não se puserem de acordo sobre esta última nomeação, cada uma das Partes designará uma Potência diferente e a eleição do terceiro será feita pelas duas Potências assim designadas.

Art. 6. As Altas Partes Contratantes estipulam que, em caso de sério desacordo ou de conflito entre duas ou mais delas, que torne iminente a guerra, se recorra, tanto quanto o permitam as circunstâncias, aos bons officios ou à mediação de uma ou mais das Potências amigas.

Art. 7. Independentemente deste recurso, as Altas Partes Contratantes

En cas de recours à la Cour Permanente de La Haye, les Hautes Parties Contractantes acceptent les conditions de la susdite Convention relatives tant à l'organisation du Tribunal Arbitral qu'à la procédure qu'il faut y observer.

Art. 4. Dans le cas où, pour un motif quelconque, on établirait une juridiction spéciale, soit parce que ainsi le désire l'une des Parties, soit parce que la Cour Permanente de La Haye ne serait pas ouverte pour elles, en signant le compromis les Parties indiqueront la voie à suivre. Le Tribunal déterminera la date, le lieu de ses sessions, la langue dont il sera fait usage; et il sera à toute éventualité investi de la faculté de résoudre toutes les questions relatives à sa propre juridiction et aussi celles qui se rapportent à la procédure sur les points non prévus dans le compromis.

Art. 5. Si, en organisant la juridiction spéciale, les Hautes Parties Contractantes n'étaient pas d'accord sur le choix de l'arbitre le Tribunal serait formé de trois juges. Chaque État nommera un arbitre, et ceux-ci désigneront le troisième. S'ils ne peuvent se mettre d'accord sur ce choix, les arbitres nommés par les Parties désigneront le Chef d'un troisième État qui nommera le tiers-arbitre. Si elles ne peuvent s'entendre sur le choix d'un Chef d'État, chaque Partie désignera une Puissance différente, et l'élection du troisième arbitre sera faite par les deux Puissances ainsi désignées.

Art. 6. Les Hautes Puissances Contractantes, en cas de dissentiment grave, ou de conflit entre deux ou plusieurs d'entre elles, qui rende la guerre imminente, conviennent d'avoir recours, en tant que les circonstances le permettront, aux bons offices ou à la médiation d'une ou de plusieurs Puissances amies.

Art. 7. Indépendamment de ce recours, les Hautes Puissances Con-

ofrezcan, espontáneamente, en tanto que las circunstancias se presten á ello, sus buenos oficios ó su mediación á los Estados en conflicto.

El derecho de ofrecer los buenos oficios ó la mediación pertenece á las Potencias extrañas al conflicto, aun durante el curso de las hostilidades.

El ejercicio de este derecho no podrá considerarse jamás por una ó por otra de las Partes Contendientes como un acto poco amistoso.

Art. 8. El oficio de mediador consiste en conciliar las pretensiones opuestas y en apaciguar los resentimientos que puedan haberse producido entre las Naciones en conflicto.

Art. 9. Las funciones del mediador cesan desde el momento en que se ha comprobado, ya por una de las Partes contendientes, ya por el mediador mismo, que los medios de conciliación propuestos por éste no son aceptados.

Art. 10. Los buenos oficios y la mediación, ya que á ellos se recurra por las Partes en conflicto ó por iniciativa de las Potencias extrañas á él, no tienen otro carácter que el de consejo, y nunca el de fuerza obligatoria.

Art. 11. La aceptación de la mediación no puede producir el efecto, salvo convenio en contrario, de interrumpir, retardar ó embarazar la movilización ú otras medidas preparatorias de la guerra. Si la mediación tuviere lugar, rotas ya las hostilidades, no se interrumpe por ello, salvo pacto en contrario, el curso de las operaciones militares.

Art. 12. En los casos de diferencias graves que amenacen comprometer la paz, y siempre que las Potencias interesadas no puedan ponerse de acuerdo para escoger ó aceptar como mediadora á una Potencia amiga, se recomienda á los Estados en

Powers, strangers to the dispute should, on their own initiative, as far as circumstances will allow, offer their good offices or mediation to the States at variance.

The right to offer the Good Offices or 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. 8. The part of the mediator consists in reconciling the opposing claims and appeasing the feelings of resentment which may have arisen between the States at variance.

Art. 9. 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. 10. 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. 11. 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. 12. 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

tes consideram útil que uma ou mais Potências, estranhas ao conflito, ofereçam espontaneamente, tanto quanto as circunstâncias o permitam, seus bons officios ou sua mediação aos Estados em conflito.

O direito de oferecer os bons officios ou a mediação pertence às Potências estranhas ao conflito, mesmo durante o curso das hostilidades.

O exercício deste direito não poderá jamais ser considerado por uma ou por outra das Partes Contendoras como um ato pouco amistoso.

Art. 8. O papel de mediador consiste em conciliar as pretensões opostas, e em apaziguar os ressentimentos que se possam ter produzido entre as Nações em conflito.

Art. 9. As funções de mediador cessam a partir do momento em que tenha sido comprovado, seja por uma das Partes Contendoras ou pelo próprio mediador, que os meios de conciliação propostos por este não são aceitos.

Art. 10. Os bons officios e a mediação, quer a êles recorram as Partes em conflito, quer por iniciativa das Potências estranhas ao mesmo, não têm outro caráter senão o de conselho, e nunca o de força obrigatória.

Art. 11. A aceitação da mediação não pode produzir o efeito, salvo acôrdo em contrário, de interromper, retardar ou embaraçar a mobilização ou outras medidas preparatórias da guerra. Se a mediação se efetuar quando já tiverem começado as hostilidades, ela não interrompe o curso das operações militares, a menos que haja pacto em contrário.

Art. 12. Nos casos de diferenças graves que ameacem comprometer a paz, e sempre que as Potências interessadas não possam entrar em acôrdo para escolher ou aceitar uma Potência amiga como mediadora, recomenda-se aos Estados em conflito a eleição de uma Potência à qual

tractantes jugent utile qu'une ou plusieurs Puissances étrangères au conflit, offrent spontanément, en tant que les circonstances s'y prêtent, leurs bons offices ou leur médiation, aux États en litige.

Le droit d'offrir les bons offices ou la médiation appartient aux Puissances étrangères au conflit, même pendant le cours des hostilités.

L'exercice de ce droit ne peut jamais être considéré par l'une ou l'autre des Parties en litige comme un acte peu amical.

Art. 8. Le rôle de médiateur consiste à concilier les prétensions opposées et à apaiser les ressentiments qui peuvent s'être produits entre les États en conflit.

Art. 9. Les fonctions du médiateur cessent du moment où il est constaté, soit par l'une des Parties en litige, soit par le médiateur lui-même, que les moyens de conciliation proposés par lui ne sont pas acceptés.

Art. 10. Les bons offices et la médiation, soit sur le recours des Parties en conflit, soit sur l'initiative des Puissances étrangères au conflit, ont exclusivement le caractère de conseil et n'ont jamais force obligatoire.

Art. 11. L'acceptation de la médiation ne peut avoir pour effet, sauf convention contraire, d'interrompre, de retarder, ou d'entraver la mobilisation et autres mesures préparatoires à la guerre. Si elle intervient après l'ouverture des hostilités, elle n'interrompt pas, sauf convention contraire, les opérations militaires en cours.

Art. 12. En cas de différend grave, qui menace de compromettre la paix, et dans le cas où les Puissances intéressées ne pourraient se mettre d'accord pour choisir ou accepter comme médiatrice une Puissance amie, il est recommandé aux États en conflit le choix d'une Puissance désignée par

conflicto la elección de una Potencia, á la cual confíen, respectivamente, el encargo de entrar en relación directa con la Potencia escogida por la otra Nación interesada, con el objeto de evitar la ruptura de las relaciones pacíficas.

Mientras dura este mandato, cuyo término, salvo estipulación en contrario, no puede exceder de treinta días, los Estados contendientes cesarán toda relación directa con motivo del conflicto, el cual se considerará como exclusivamente deferido á las Potencias mediadoras.

Si esas Potencias amigas no logren proponer, de común acuerdo, una solución que fuere aceptable por las que se hallen en conflicto, designarán á una tercera, á la cual quedará confiada la mediación.

Esta tercera Potencia, en caso de ruptura efectiva de las relaciones pacíficas, tendrá en todo tiempo el encargo de aprovechar cualquiera ocasión para procurar el restablecimiento de la paz.

Art. 13. En las controversias de carácter internacional, provenientes de divergencia de apreciación de hechos, las Repúblicas signatarias juzgan útil que las Partes que no hayan podido ponerse de acuerdo por la vía diplomática, instituyan, en tanto que las circunstancias lo permitan, una Comisión Internacional de Investigación, encargada de facilitar la solución de esos litigios, esclareciendo, por medio de un examen imparcial y concienzudo, las cuestiones de hecho.

Art. 14. Las Comisiones Internacionales de Investigación se constituyen por convenio especial de las Partes en litigio. El convenio precisará los hechos que han de ser materia de examen, así como la extensión de los poderes de los Comisionados, y arreglará el procedimiento á que deben éstos sujetarse. La investigación se llevará a término contradictoriamente; y la forma y los plazos que deben en ella observarse, si no se fijaren en el convenio,

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. 13. In controversies of an international nature arising from a difference of opinion on points of fact, 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. 14. The International Commissions of Inquiry are constituted by special agreement. The agreement defines the facts to be examined, and 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

confiem, respectivamente, o encargo de entrar em relação direta com a Potência escolhida pela outra Nação interessada, com o fim de evitar a ruptura das relações pacíficas.

Enquanto durar este mandato, cujo termo, salvo estipulação em contrário, não pode exceder de trinta dias, os Estados contendores cessarão toda relação direta a respeito do conflito, que se considerará como exclusivamente confiado às Potências mediadoras.

Se essas Potências amigas não conseguirem propor, de comum acordo, uma solução que seja aceitável para as que se achem em conflito, designarão uma terceira Potência, à qual ficará confiada a mediação.

Essa terceira Potência, em caso de ruptura efetiva das relações pacíficas, terá em todo o tempo o encargo de aproveitar qualquer ocasião para procurar o estabelecimento da paz.

Art. 13. Nas controvérsias de caráter internacional, provenientes da divergência na apreciação dos fatos, as Repúblicas signatárias julgam útil que as Partes que não tenham podido pôr-se de acordo pela via diplomática, instituem, tanto quanto as circunstâncias o permitam, uma Comissão Internacional de Investigação, encarregada de facilitar a solução desses litígios, esclarecendo, por meio de um exame imparcial e consciencioso, as questões de fato.

Art. 14. As Comissões Internacionais de Investigação serão formadas por convênio especial das Partes em litígio. O convênio especificará os fatos que deverão constituir matéria de exame, bem como a extensão dos poderes dos Comissários, e regulamentará o procedimento a que devem estes sujeitar-se. A investigação será levada a efeito contraditoriamente; e a forma e os prazos a observar, caso não sejam fixados pelo convênio, serão determinados pela própria Comissão.

l'autre Nation intéressée, afin de prévenir la rupture des relations pacifiques.

Pendant la durée de ce mandat, dont le terme, sauf stipulation contraire, ne peut excéder trente jours, les États en litige cessent tout rapport direct au sujet du conflit, lequel est considéré comme déferé exclusivement aux Puissances médiatrices.

Si les Puissances amies n'arrivent à obtenir, d'un commun accord, une solution acceptable pour celles qui sont en conflit, elles en choisiraient une troisième, à laquelle serait confiée la médiation.

Cette troisième Puissance, en cas de rupture effective des relations pacifiques, aura en tout temps la mission de profiter de toute occasion pour rétablir la paix.

Art. 13. Dans les litiges d'ordre international provenant d'une divergence d'appréciation sur des points de fait, les Républiques signataires jugent utile que les Parties qui n'auraient pu se mettre d'accord par la voie diplomatique instituent, en tant que les circonstances le permettront, une Commission Internationale d'Enquête chargée de faciliter la solution de litiges en éclaircissant par un examen impartial et consciencieux les questions de fait.

Art. 14. Les Commissions Internationales d'Enquête sont constituées par convention spéciale entre les Parties en litige. La Convention précisera les faits à examiner, l'étendue des pouvoirs des commissaires, et elle réglera la procédure que ceux-ci doivent suivre. L'enquête aura lieu contradictoirement. La forme et les délais à observer, en tant qu'ils ne sont pas fixés par la Convention d'Enquête, sont déterminés par la Commission elle-même.

serán determinados por la Comisión misma.

Art. 15. Las Comisiones Internacionales de Investigación se constituirán, salvo estipulación en contrario, de la misma manera que el Tribunal de Arbitraje.

Art. 16. Es obligación de las Potencias en litigio, ministrar, en la más amplia medida que juzguen posible, á la Comisión Internacional de Investigación, todos los medios y facilidades necesarios para el conocimiento completo y la exacta apreciación de los hechos controvertidos.

Art. 17. Las Comisiones mencionadas se limitarán á averiguar la verdad de los hechos sin emitir más apreciaciones que las meramente técnicas.

Art. 18. La Comisión Internacional de Investigación presentará á las Potencias que la hayan constituido, su informe firmado por todos los miembros de la Comisión. Este informe, limitado á la investigación de los hechos, no tiene en lo absoluto el carácter de sentencia arbitral, y deja á las Partes contendientes en entera libertad de darle el valor que estimen justo.

Art. 19. La constitución de Comisiones de Investigación podrá incluirse en los compromisos de arbitraje, como procedimiento previo, á fin de fijar los hechos que han de ser materia del juicio.

Art. 20. El presente Tratado no deroga los anteriores existentes entre dos ó más de las Partes Contratantes, en cuanto den mayor extensión al arbitraje obligatorio. Tampoco altera las estipulaciones sobre arbitraje, relativas á cuestiones determinadas que han surgido ya, ni el curso de los juicios arbitrales que se siguen con motivo de éstas.

Art. 21. Sin necesidad de canje de ratificaciones, este Tratado estará en

agreement, shall be determined by the Commission itself.

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

Art. 16. 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 and to accurately understand the facts in question.

Art. 17. 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. 18. 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. 19. 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. 20. 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. 21. Without the necessity of exchanging ratifications, this Treaty

Art. 15. As Comissões Internacionais de Investigação serão formadas, salvo disposições em contrário, da mesma forma que o Tribunal de Arbitragem.

Art. 16. As Potências em litígio se obrigam a fornecer à Comissão Internacional de Investigação, na mais ampla medida que julguem possível, todos os meios e tôdas as facilidades necessárias para o conhecimento completo e a exata apreciação dos fatos controversos.

Art. 17. As Comissões mencionadas limitar-se-ão a averiguar a verdade dos fatos, sem emitir outras apreciações a não ser as de caráter rigorosamente técnicos.

Art. 18. A Comissão Internacional de Investigação apresentará às Potências que a tenham constituído, um relatório assinado por todos os membros que a compõem. Êste relatório, limitado à constatação dos fatos, não tem absolutamente o caráter de sentença arbitral, e deixa as Partes litigiosas em completa liberdade de dar ao dito relatório o valor que considerem justo.

Art. 19. A constituição de Comissões de Investigação poderá fazer parte, como procedimento prévio, dos compromissos de arbitragem, a fim de fixar os fatos que devem servir de base ao julgamento.

Art. 20. Êste Tratado não substitui os já existentes entre duas ou mais das Partes Contratantes naquilo em que dêem maior extensão à arbitragem obrigatória. Também não altera as estipulações sôbre arbitragem, relativas a questões determinadas que já tenham surgido, nem o curso das decisões arbitrais que esteja sendo seguido em referência a estas questões.

Art. 21. Êste Tratado entrará em vigor, sem necessidade de ratificações, desde que três Estados, pelo

Art. 15. Les Commissions Internationales d'Enquête seront formées, sauf stipulation contraire, de la même manière que le Tribunal d'Arbitrage.

Art. 16. Les Puissances en litige s'engagent à fournir à la Commission Internationale d'Enquête, dans la plus large mesure qu'elles jugeront possible, tous les moyens et toutes les facilités nécessaires pour la connaissance complète et l'appréciation exacte des faits en question.

Art. 17. Les Commissions susmentionnées se limiteront à la recherche de la vérité sur les points de fait, sans émettre d'autres appréciations que celles d'un caractère absolument technique.

Art. 18. La Commission Internationale d'Enquête présentera aux Puissances qui l'ont constituée, son rapport signé par tous les membres de la Commission. Ce rapport, limité à la constatation des faits, n'a nullement le caractère de sentence arbitrale. Il laisse aux Puissances en litige une liberté entière pour la suite à donner à cette constatation.

Art. 19. La constitution des Commissions d'Enquête pourra avoir lieu dans le compromis relatif à l'arbitrage comme procédure préalable, afin de fixer les faits qui doivent servir de base au jugement.

Art. 20. Le présent Traité ne change rien à ceux qui existent déjà entre deux ou plusieurs des Parties Contractantes en tant qu'ils donnent une plus grande extension à l'arbitrage obligatoire. Il ne nullifie pas, non plus, les stipulations sur l'arbitrage relatives à des questions déterminées actuellement pendantes, pas plus qu'il n'altère les procédures arbitrales en cours à l'occasion des questions.

Art. 21. Ce Traité entrera en vigueur, sans besoin de ratifications,

vigor desde que tres Estados, por lo menos, de los que lo subscriben, manifiesten su aprobación al Gobierno de los Estados Unidos Mexicanos, el que la comunicará á los demás Gobiernos.

Art. 22. Las Naciones que no subscriban el presente Tratado, podrán adherirse á él en cualquier tiempo. Si alguna de las signatarias quisiere recobrar su libertad, denunciará el Tratado; mas la denuncia no producirá efecto sino únicamente respecto de la Nación que la efectuare, y sólo después de un año de formalizada la denuncia. Cuando la Nación denunciante tuviere pendientes algunas negociaciones de arbitraje á la expiración del año, la denuncia no surtirá sus efectos con relación al caso aún no resuelto.

Disposiciones Generales

I. El presente Tratado será ratificado tan pronto como sea posible.

II. Las ratificaciones se enviarán al Ministerio de Relaciones Exteriores de México, donde quedarán depositadas.

III. El Gobierno Mexicano remitirá copia certificada de cada una de ellas á los demás Gobiernos Contratantes.

En fe de lo cual han firmado el presente Tratado y le han puesto sus respectivos sellos.

Hecho en la ciudad de México, el día veintinueve de enero del año de mil novecientos dos, en un solo ejemplar que quedará depositado en el Ministerio de Relaciones Exteriores de los Estados Unidos Mexicanos, del cual se remitirá, por la vía diplomática, copia certificada á los Gobiernos Contratantes.

[Siguen las firmas de los señores Delegados.]

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. 22. 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.

[Here follow the signatures of the Delegates.]

menos, dos que o tenham assinado, participem a sua aprovação ao Governo dos Estados Unidos Mexicanos, que comunicará a fato aos demais Governos.

Art. 22. As Nações que não subcrevam o presente Tratado, poderão aderir ao mesmo em qualquer tempo. Se alguma das Nações signatárias quizer recuperar sua liberdade, denunciará o Tratado; mas essa denúncia não produzirá efeito senão para a Nação que a tiver feito, e isto mesmo somente um ano depois de ter sido feita a denúncia formal. Quando a Nação denunciante tiver pendentes algumas negociações de arbitragem ao terminar o ano, a denúncia não surtirá efeito no que respeita ao caso ainda não resolvido.

Disposições Gerais

I. O presente Tratado será ratificado o mais breve possível.

II. As ratificações serão enviadas ao Ministério das Relações Exteriores do México, onde ficarão depositadas.

III. O Governo Mexicano enviará cópia certificada de cada uma delas aos demais Governos Contratantes.

Em testemunho do que, firmaram o presente Tratado e lhe apuseram seus respectivos selos.

Feito na cidade do México aos vinte e nove dias do mês de janeiro do ano de mil novecentos e dois, em um só exemplar que ficará depositado no Ministério das Relações Exteriores dos Estados Unidos Mexicanos, do qual se fará remessa, por via diplomática, de cópia certificada aos Governos Contratantes.

[Seguem-se as assinaturas dos Senhores Delegados].

dès que trois États pour le moins, de ceux qui l'ont signé, auront notifié leur approbation au Gouvernement du Mexique. Celui-ci en fera part aux autres Gouvernements.

Art. 22. Les Nations qui n'ont pas signé le présent Traité pourront y adhérer lorsqu'elles le voudront. Si une des Nations signataires voulait reprendre sa liberté, elle dénoncerait le Traité, mais cette dénonciation ne produira d'effet que pour la Nation qui l'aurait fait, et cela seulement un an après la dénonciation formelle. Quand la Nation dénonciatrice aura quelques affaires d'arbitrage pendantes à l'expiration de l'année, la renonciation n'aura pas d'effet en ce qui touche le cas non encore résolu.

Dispositions Générales

I. Ce Traité sera ratifié le plus tôt possible.

II. Les ratifications seront adressées au Ministère des Affaires Étrangères, à Mexico, où elles seront déposées.

III. Le Gouvernement Mexicain en expédiera une copie certifiée à chacun des Gouvernements contractants.

En foi de quoi, ils ont signé le présent Traité en y apposant leurs sceaux respectifs.

Fait à Mexico, ce vingt-neuf janvier mil neuf cent deux, en un seul exemplaire qui sera déposé au Ministère des Affaires Étrangères des États-Unis Mexicains, dont une copie certifiée sera expédiée, par la voie diplomatique, à chacun des Gouvernements contractants.

[Suivent les signatures des Délégués]

TRATADO
 SOBRE RECLAMACIONES POR
 DAÑOS Y PERJUICIOS
 PECUNIARIOS¹

Sus Excelencias el Presidente de la República Argentina, el de Bolivia, el de Colombia, el de Costa Rica, el de Chile, el de la República Dominicana, el del Ecuador, el de El Salvador, el de los Estados Unidos de América, el de Guatemala, el de Haití, el de Honduras, el de los Estados Unidos Mexicanos, el de Nicaragua, el del Paraguay, el del Perú y el del Uruguay;

Deseando que sus países respectivos fueran representados en la Segunda Conferencia Internacional Americana, enviaron á ella, debidamente autorizados para aprobar las recomendaciones, resoluciones, convenciones y tratados que juzgaren útiles á los intereses de la América, á los siguientes señores Delegados:

[Siguen los nombres de los señores Delegados.]

Quienes después de haberse comunicado sus plenos poderes y encontrándolos en buena y debida forma, con excepción de los exhibidos por los representantes de SS. EE. el Presidente de los Estados Unidos de América, el de Nicaragua y el del Paraguay, los cuales obran ad referendum, han convenido en celebrar un Tratado para someter á la decisión de árbitros las reclamaciones por daños y perjuicios pecuniarios que no hayan sido resueltas por la vía diplomática, en los términos siguientes:

TREATY
 OF ARBITRATION FOR
 PECUNIARY CLAIMS¹

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chile, Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the Mexican States, Nicaragua, Paraguay, Peru, and Uruguay;

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions, and treaties that they might deem convenient for the interests of America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act ad referendum, have agreed, to celebrate a Treaty to submit to the decision of arbitrators Pecuniary Claims for damages that have not been settled by diplomatic channel, in the following terms:

TRATADO

SÔBRE RECLAMAÇÕES
PECUNIARIAS¹

(Tradução feita na União Pan-Americana)

Suas Excelências os Presidentes das Repúblicas Argentina, Bolívia, Colômbia, Costa Rica, Chile, República Dominicana, Ecuador, El Salvador, Estados Unidos da América do Norte, Guatemala, Haiti, Honduras, Estados Unidos Mexicanos, Nicarágua, Paraguai, Peru e Uruguai;

Desejando que seus respectivos países estivessem representados na Segunda Conferência Internacional Americana, enviaram à mesma, devidamente autorizados para aprovar as recomendações, resoluções, convenções e tratados que julgassem úteis aos interesses da América, os seguintes Senhores Delegados:

[Seguem-se os nomes dos Senhores Delegados].

Que, depois de ter apresentado seus plenos poderes que foram encontrados em boa e devida forma, com exceção dos exibidos pelos representantes do Presidente dos Estados Unidos da América, da Nicarágua e do Paraguai, que atuarão ad referendum, acordaram em celebrar um Tratado para submeter à decisão de árbitros as reclamações por perdas e prejuízos pecuniários que não tenham sido resolvidas por via diplomática, nos seguintes termos:

TRAITÉ

POUR LE RÈGLEMENT PAR
DÉCISION ARBITRALE DES RÉ-
CLAMATIONS DE DOMMAGES
PÉCUNIAIRES¹

Leurs Excellences le Président de la République Argentine, celui de Bolivie, celui de Colombie, celui de Costa Rica, celui du Chili, celui de la République Dominicaine, celui de l'Équateur, celui du Salvador, celui des États-Unis d'Amérique, celui du Guatemala, celui d'Haïti, celui du Honduras, celui des États-Unis Mexicains, celui de Nicaragua, celui du Paraguay, celui du Pérou et celui de l'Uruguay,

Désirant que leurs pays respectifs soient représentés à la Seconde Conférence Internationale Américaine, y ont envoyé, dûment autorisés pour approuver les recommandations, décisions, conventions et traités qu'ils jugeraient utiles aux intérêts de l'Amérique, Messieurs les Délégués suivants:

[Suivent les noms des Délégués]

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, à l'exception de ceux exhibés par les représentants de Leurs Excellences le Président des États-Unis d'Amérique, celui du Nicaragua et celui du Paraguay, qui agissent ad referendum, ont convenu de conclure un Traité pour soumettre à la décision des arbitres les réclamations de dommages pécuniaires, dans les termes suivants:

Art. 1. Las Altas Partes Contratantes se obligan á someter á arbitraje todas las reclamaciones por daños y perjuicios pecuniarios, que sean presentadas por sus ciudadanos respectivos y que no puedan resolverse amistosamente por la vía diplomática, siempre que dichas reclamaciones sean de suficiente importancia para ameritar los gastos del arbitraje.

Art. 2. En virtud de la facultad que reconoce el art. 26 de la Convención de La Haya, para el arreglo pacífico de los conflictos internacionales, las Altas Partes Contratantes convienen en someter á la decisión de la Corte Permanente de Arbitraje, que dicha Convención establece, todas las controversias que sean materia del presente Tratado, á menos que ambas partes prefieran que se organice una jurisdicción especial, conforme el art. 21 de la citada Convención.

En caso de someterse á la Corte Permanente de La Haya, las Altas Partes Contratantes aceptan los preceptos de la referida Convención, en lo relativo á la organización del Tribunal arbitral, respecto á los procedimientos á que éste haya de sujetarse y en cuanto á la obligación de cumplir el fallo.

Art. 3. El presente Tratado no será obligatorio sino para los Estados que hayan suscrito la Convención para el arreglo pacífico de los conflictos internacionales, firmada en La Haya el 29 de julio de 1899, y para los que ratifiquen el Protocolo unánimemente adoptado por las Repúblicas representadas en la Segunda Conferencia Internacional Americana para la adhesión á las Convenciones de La Haya.

Art. 4. Siempre que por cualquier motivo no llegue á abrirse á alguno ó á algunas de las Altas Partes Contratantes la Corte Permanente de La Haya, se obligan á consignar en un

Art. 1. 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 and when said claims are of sufficient importance to warrant the expenses of arbitration.

Art. 2. By virtue of the faculty recognized by art. 26 of the Convention of The Hague for the pacific settlement of international disputes, the High Contracting Parties agree to submit to the decision of the permanent Court of Arbitration established by said Convention, all controversies which are the subject matter of the present Treaty, unless both Parties should prefer that a special jurisdiction be organized, according to art. 21 of the Convention referred to.

If a case is submitted to the Permanent Court of The Hague, the High Contracting Parties accept the provisions of the said Convention, in so far as they relate to the organization of the Arbitral Tribunal, and with regard to the procedure to be followed, and to the obligation to comply with the sentence.

Art. 3. The present Treaty shall not be obligatory except upon those States which have subscribed to the Convention for the pacific settlement of international disputes, signed at The Hague, July 29, 1899, and upon those which ratify the Protocol unánimemente adopted by the Republics represented in the Second International Conference of American States, for their adherence to the Conventions signed at The Hague, July 29, 1899.

Art. 4. If, for any cause whatever, the Permanent Court of The Hague should not be opened to one or more of the High Contracting Parties, they obligate themselves to stipulate, in a special Treaty, the rules under which

Art. 1. As Altas Partes Contratantes se obrigam a submeter a arbitramento, tôdas as reclamações por perdas e prejuízos pecuniários, que sejam apresentadas por seus respectivos cidadãos, e que não possam ser resolvidas amigavelmente pela via diplomática, desde que ditas reclamações sejam de suficiente importância a merecer as despesas incorridas com o arbitramento.

Art. 2. Em virtude da faculdade reconhecida pelo art. 26 da Convenção de Haia para a solução pacífica dos conflitos internacionais, as Altas Partes Contratantes convêm em submeter à decisão da Côrte Permanente de Arbitragem, que dita Convenção estabelece, tôdas as controvérsias que constituam matéria do presente Tratado, a menos que ambas as partes prefiram que se estabeleça uma jurisdição especial, como dispõe o art. 21 da citada Convenção.

No caso de se submeterem à Côrte Permanente de Haia, as Altas Partes Contratantes aceitam os preceitos da referida Convenção no que concerne à organização do Tribunal Arbitral, aos processos a que êste tenha de sujeitar-se e quanto à obrigação de cumprir o laudo.

Art. 3. O presente Tratado não será obrigatório senão para os Estados que tenham subscrito a Convenção para a solução pacífica dos conflitos internacionais, firmada em Haia a 29 de julho de 1899, e para os que ratifiquem o Protocolo unânimemente adotado pelas Repúblicas representadas na Segunda Conferência Internacional Americana, para a adesão às Convenções de Haia.

Art. 4. Tôda vez que, por qualquer motivo, não se abra a alguma ou a algumas das Altas Partes Contratantes a Côrte Permanente de Haia, se obrigam a consignar em um tratado especial as regras con-

Art. 1. Les Hautes Parties Contractantes s'obligent à soumettre à l'arbitrage, toutes les réclamations pour dommages et pertes pécuniaires, qui seraient présentées par leurs nationaux respectifs et qui ne pourraient être réglées à l'amiable par la voie diplomatique, pourvu que lesdites réclamations soient suffisamment importantes pour justifier les frais de l'arbitrage.

Art. 2. En vertu de la faculté que reconnaît l'art. 26 de la Convention de La Haye, pour le règlement pacifique des conflits internationaux, les Hautes Parties Contractantes conviennent de soumettre à la décision de la Cour Permanente d'Arbitrage que ladite Convention établit, toutes les controverses qui font l'objet du présent traité à moins que les deux Parties ne préfèrent qu'il soit organisé une juridiction spéciale conformément à l'art. 21 de la Convention précitée.

Dans le cas où elles s'adresseraient à la Cour Permanente de La Haye, les Hautes Parties Contractantes acceptent les préceptes de la Convention précitée, en ce qui a trait à l'organisation du Tribunal Arbitral, à la procédure à suivre et à l'obligation d'exécuter la sentence.

Art. 3. Le présent Traité ne sera obligatoire que pour les États qui auraient signé la Convention pour le règlement pacifique des conflits internationaux, signée à La Haye le 29 juillet 1899 et pour ceux qui ratifieraient le Protocole adopté à l'unanimité par les Républiques représentées à la Seconde Conférence Internationale Américaine, pour l'adhésion aux Conventions de La Haye.

Art. 4. Si pour un motif quelconque la Cour de La Haye ne s'ouvrirait pas à l'une ou à plusieurs des Hautes Parties Contractantes, elles s'obligent à consignar dans un traité spécial les règles d'après lesquelles sera

tratado especial, las reglas conforme á las cuales se establecerá y funcionará el Tribunal que haya de conocer de las cuestiones á que se refiere el art. 1. del Presente Tratado.

Art. 5. Este Tratado será obligatorio para los Estados que lo ratifiquen, desde la fecha en que cinco Gobiernos signatarios lo hayan ratificado, y estará en vigor durante cinco años. La ratificación de este Tratado por los Estados que lo firmen, será transmitida al Gobierno de los Estados Unidos Mexicanos, el cual comunicará á los demás las notas de ratificación que reciba.

En fe de lo cual los Plenipotenciarios y Delegados firman el presente Tratado y ponen en él el sello de la Segunda Conferencia Internacional Americana.

Hecho en la Ciudad de México, el día treinta de enero de mil novecientos dos en tres ejemplares escritos en castellano, inglés y francés, respectivamente, los cuales se depositarán en la Secretaría de Relaciones Exteriores del Gobierno de los Estados Unidos Mexicanos, á fin de que de ellos se saquen copias certificadas para enviarlas por la vía diplomática á cada uno de los Estados signatarios.

[Siguen las firmas de los señores Delegados.]

the Tribunal shall be established, as well as its form of procedure, which shall take cognizance of the questions referred to in art. 1 of the present Treaty.

Art. 5. This Treaty shall be binding on the States ratifying it, from the date on which five signatory governments have ratified the same, and shall be in force for five years. The ratification of this Treaty by the signatory States shall be transmitted to the Government of the United States of Mexico, which shall notify the other Governments of the ratifications it may receive.

In testimony whereof the Plenipotentiaries and Delegates also sign the present Treaty, and affix the seal of the Second International American Conference.

Made in the City of Mexico the thirtieth day of January nineteen hundred and two, in three copies, written in Spanish, English and French, respectively, which shall be deposited with the Secretary of Foreign Relations of the Mexican United States, so that certified copies thereof be made, in order to send them through the diplomatic channel to the signatory States.

[Here follow the signatures of the Delegates.]

forme as quais se estabelecerá e funcionará o Tribunal que haja de conhecer das questões a que se refere o art. 1. deste Tratado.

Art. 5. Este Tratado será obrigatório para os Estados que o ratificarem, a partir da data em que cinco Governos signatários o tenham ratificado, e ficará em vigor por cinco anos. A ratificação deste Tratado pelos Estados que o firmarem será enviada ao Governo dos Estados Unidos Mexicanos, que comunicará aos demais as notas de ratificação que receber.

Em testemunho do que, os Plenipotenciários e Delegados assinam o presente Tratado e lhe apõem o selo da Segunda Conferência Internacional Americana.

Feito na cidade do México, aos trinta dias de janeiro de mil novecentos e dois, em três exemplares escritos em castelhano, inglês e francês, respectivamente, que foram depositados na Secretaria das Relações Exteriores do Governo dos Estados Unidos Mexicanos, a fim de que dêles sejam extraídas cópias autenticadas para serem remetidas, por via diplomática, a cada um dos Estados signatários.

[Seguem-se as assinaturas dos Senhores Delegados].

établi et fonctionnera le Tribunal qui devra connaître des questions auxquelles se réfère l'art. 1 du présent Traité.

Art. 5. Ce Traité sera obligatoire, pour les États qui le ratifieraient, à compter de la date où cinq des Gouvernements signataires l'auront ratifié, et il restera en vigueur durant cinq ans. La ratification de ce Traité par les États qui le signeraient sera transmise au Gouvernement des États-Unis Mexicains qui communiquera aux autres les notes de ratification qu'il recevrait.

En foi de quoi, les Plénipotentiaires et Délégués signent le présent Traité et y apposent le sceau de la Seconde Conférence Internationale Américaine.

Fait en la ville de Mexico le trente janvier mil neuf cent deux en trois exemplaires écrits, respectivement, en espagnol, anglais et français, lesquels seront déposés au Ministère des Affaires Étrangères du Gouvernement des États-Unis Mexicains afin d'en faire des copies certifiées pour être envoyées par la voie diplomatique à chacun des États signataires.

[Suivent les signatures des Délégués]

**RELACION DE LOS TRATADOS Y CONVENCIONES SUSCRITOS EN LA SEGUNDA CONFERENCIA INTERNACIONAL AMERICANA
STATUS OF THE TREATIES AND CONVENTIONS SIGNED AT THE SECOND INTERNATIONAL CONFERENCE OF AMERICAN STATES
RELAÇÃO DOS TRATADOS E CONVENCÕES ASSINADOS NA SEGUNDA CONFERÊNCIA INTERNACIONAL AMERICANA
LISTE DE TRAITÉS ET CONVENTIONS SIGNÉS A LA DEUXIÈME CONFÉRENCE INTERNATIONALE AMÉRICAINE**

(MEXICO, 1901-02)

| | ARGENTINA | BOLIVIA | BRASIL | COLOMBIA | CUBA | CHILE | ECUADOR | EL SALVADOR | UNITED STATES | GUATEMALA | HAITI | HONDURAS | MEXICO | NICARAGUA | PANAMA | PARAGUAY | PERU | REPUBLICA DOMINICANA | URUGUAY | VENEZUELA |
|---|-----------|---------|--------|----------|------|-------|---------|-------------|---------------|-----------|-------|----------|--------|-----------|--------|----------|------|----------------------|---------|-----------|
| 1. Daños Pecuniarios (En vigor 5 años) Pecuniary Claims (In force 5 years) Reclamações Pecuniárias (Em vigor 5 anos) Réclamations de Dommages Pécuniaires (En vigueur 5 années) | S | S | | Rd | Rd | S | R | Rd | Rd | Rd | S | Rd | Rd | S | | S | Rd | Rd | S | |
| 2. Extradición Extradition Extradicao Extradition | S | S | | S | | S | Rr | Rd | S | Rd | S | St | Rd | Rr | | S | S | R | S | |
| 3. Ejercicio de Profesiones Liberales Practice of Learned Professions Exercício de Profissões Liberais Exercice des Professions Libérales | S | Rd | | S | Rd | Rd | S | Rd | S | Rd | S | Rd | S | Rd | | S | Rd | D | S | |
| 4. Formación de Códigos de Derecho Internacional Formation of Codes of International Law Organização de Códigos sobre o Direito Internacional Rédaction des Codes de Droit International | S | Rd | | S | Rd | Rd | R | R | S | R | S | R | S | S | | S | S | Rd | S | |
| 5. Protección de Obras Literarias y Artísticas Protection of Literary and Artistic Copyright Proteção de Direitos Literários e Artísticos Protection des Oeuvres Littéraires et Artistiques | S | S | | S | Rd | S | R | Rd | Rd | Rd | S | Rd | S | Rd | | S | S | Rd | S | |
| 6. Canje de Publicaciones Oficiales Exchange of Official Publications Permuta de Publicações Oficiais Échange des Publications Officielles | S | S | | Rd | Rd | ARD | R | Rd | Rd | Rd | S | Rd | Rd | Rd | | S | S | Rd | S | |
| 7. Patentes, Dibujos y Modelos Industriales Patents, Industrial Drawings and Models and Trade-Marks Patentes, Desenhos e Modelos Industriais Brevets d'Invention, Modèles et Dessins Industriels | S | S | | S | Rd | ARD | R | Rd | | Rd | S | Rd | S | Rd | | S | S | Rd | S | |
| 8. Derechos de Extranjería Rights of Aliens Direitos de Estrangeiros Droits des Etrangers | S | Rd | | R | R | R | R | Rd | | Rd | | Rd | S | R | | S | S | Rd | S | |
| 9. Arbitraje Obligatorio Obligatory Arbitration Arbitramento Compulsório Arbitrage Obligatoire | S | S | | | | | | Rd | | Rd | | | Rd | | | S | Rd | Rd | Rd | |

SÍMBOLOS
SYMBOLS

ARd- Adhesión ratificada y depositada
Adherence ratified and deposited
Adesão ratificada e depositada
Adhésion ratifiée et déposée

D- Denunciado
Denounced
Denunciado
Dénoncé

R- Ratificado
Ratified
Ratificado
Ratifié

Rd- Ratificación depositada
Ratification deposited
Ratificação depositada
Ratification déposée

SÍMBOLOS
SYMBOLS

Rdr- Ratificación depositada con reservas
Ratification deposited with reserva-
tions
Ratificação depositada com reservas
Ratification déposée avec des réserves

Rr- Ratificado con reservas
Ratified with reservations
Ratificado com reservas
Ratifié avec des réserves

S- Signatario
Signatory
Signatário
Signataire

Sr- Signatario con reservas
Signed with reservations
Signatário com reservas
Signataire avec des réserves

SERIE SOBRE TRATADOS No. 33

OEА DOCUMENTOS OFICIALES OEA/Ser.A. 52a (SEPF)

**TRATADO PARA LA PROTECCION DE INSTITUCIONES
ARTISTICAS Y CIENTIFICAS Y MONUMENTOS HISTORICOS
(PACTO ROERICH)**

Suscrito en Washington, D.C., el 15 de abril de 1935

**TREATY ON THE PROTECTION OF ARTISTIC AND
SCIENTIFIC INSTITUTIONS AND HISTORIC MONUMENTS
(ROERICH PACT)**

Signed in Washington, D.C., on April 15, 1935

**TRATADO PARA A PROTEÇÃO DAS INSTITUIÇÕES ARTÍSTICAS,
CIENTÍFICAS E MONUMENTOS HISTÓRICOS
(PACTO ROERICH)**

Assinado em Washington, D.C., em 15 de abril de 1935

**TRAITÉ POUR LA PROTECTION D'INSTITUTIONS ARTISTIQUES
ET SCIENTIFIQUES ET DE MONUMENTS HISTORIQUES
(PACTE ROERICH)**

Signé à Washington, D.C., le 15 avril 1935

**UNION PANAMERICANA
Secretaría General, Organización de los Estados Americanos
WASHINGTON, D.C., 1966**

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TRATADO PARA LA PROTECCION
DE INSTITUCIONES ARTISTICAS Y CIENTIFICAS
Y MONUMENTOS HISTORICOS (PACTO ROERICH)

Las Altas Partes Contratantes, animadas por el propósito de dar expresión convencional a los postulados de la Resolución aprobada el 16 de diciembre de 1933 por la totalidad de los Estados representados en la Séptima Conferencia Internacional Americana celebrada en Montevideo, que recomendó "a los Gobiernos de América que no lo hubieren hecho, la suscripción del 'Pacto Roerich', iniciado por el 'Museo Roerich' de los Estados Unidos y que tiene por objeto la adopción universal de una bandera, ya creada y difundida, para preservar con ella, en cualquiera época de peligro, todos los monumentos inmuebles de propiedad nacional y particular que forman el tesoro cultural de los pueblos", y con el fin de que los tesoros de la cultura sean respetados y protegidos en tiempo de guerra y de paz, han resuelto celebrar un tratado, y a este efecto han convenido en los siguientes artículos:

ARTICULO I

Serán considerados como neutrales, y como tales, respetados y protegidos por los beligerantes, los monumentos históricos, los museos y las instituciones dedicadas a la ciencia, al arte, a la educación y a la conservación de los elementos de cultura.

Igual respeto y protección se acordará al personal de las instituciones arriba mencionadas.

Se acordará el mismo respeto y protección a los monumentos históricos, museos, e instituciones científicas, artísticas, educativas y culturales, así en tiempo de paz como de guerra.

ARTICULO II

La neutralidad, protección y respeto a los monumentos e instituciones mencionados en el artículo anterior, se acordará en todo el territorio de cada uno de los Estados signatarios y accedentes, sin hacer distinción en razón de la nacionalidad a que pertenezcan. Los Gobiernos respectivos se comprometen a dictar las medidas de legislación interna necesarias para asegurar dicha protección y respeto.

ARTICULO III

Con el fin de identificar los monumentos e instituciones a que se refiere el artículo I, se podrá usar una bandera distintiva (círculo rojo, con una triple esfera roja dentro del círculo, sobre un fondo blanco) conforme al modelo anexo a este tratado.

ARTICULO IV

Los Gobiernos signatarios y los que accedan al presente convenio, comunicarán a la Unión Panamericana, en el acto de la firma o de la adhesión, o en cualquier tiempo después de dicho acto, una lista de los monumentos o instituciones que deseen someter a la protección acordada por este tratado.

La Unión Panamericana, al notificar a los Gobiernos los actos de la firma o de la adhesión, comunicará también la lista de los monumentos e instituciones mencionada en este artículo, e informará a los demás Gobiernos de cualquier cambio que ulteriormente se haga en dicha lista.

ARTICULO V

Los monumentos e instituciones a que se refiere el artículo I cesarán en el goce de los privilegios que les reconoce el presente convenio, cuando sean usados para fines militares.

ARTICULO VI

Los Estados que no suscriban este tratado en su fecha podrán firmarlo o acceder a él en cualquier tiempo.

ARTICULO VII

Los instrumentos de adhesión, así como los de ratificación y denuncia del presente convenio, se depositarán en la Unión Panamericana, la cual comunicará el hecho del depósito a los Estados signatarios o adherentes.

ARTICULO VIII

Cualquiera de los Estados que suscriban el presente convenio o que accedan a él podrá denunciarlo en cualquier tiempo, y la denuncia tendrá efecto tres meses después de su notificación a los otros signatarios o adherentes.

EN FE DE LO CUAL, los infrascritos Plenipotenciarios, después de haber depositado sus plenos Poderes, que se han encontrado en buena y debida forma, firman y sellan este convenio en nombre de sus respectivos Gobiernos en las fechas indicadas junto a sus firmas.

TREATY ON THE PROTECTION OF
ARTISTIC AND SCIENTIFIC INSTITUTIONS
AND HISTORIC MONUMENTS (ROERICH PACT)

The High Contracting Parties, animated by the purpose of giving conventional form to the postulates of the Resolution approved on December 16, 1933, by all the States represented at the Seventh International Conference of American States, held at Montevideo, which recommended to "the Governments of America which have not yet done so that they sign the 'Roerich Pact', initiated by the Roerich Museum in the United States, and which has as its object, the universal adoption of a flag, already designed and generally known, in order thereby to preserve in any time of danger all nationally and privately owned immovable monuments which form the cultural treasure of peoples", have resolved to conclude a treaty with that end in view, and to the effect that the treasures of culture be respected and protected in time of war and in peace, have agreed upon the following articles:

ARTICLE I

The historic monuments, museums, scientific, artistic, educational and cultural institutions shall be considered as neutral and as such respected and protected by belligerents.

The same respect and protection shall be due to the personnel of the institutions mentioned above.

The same respect and protection shall be accorded to the historic monuments, museums, scientific, artistic, educational and cultural institutions in time of peace as well as in war.

ARTICLE II

The neutrality of, and protection and respect due to, the monuments and institutions mentioned in the preceding article, shall be recognized in the entire expanse of territories subject to the sovereignty of each of the signatory and acceding States, without any discrimination as to the State allegiance of said monuments and institutions. The respective Governments agree to adopt the measures of internal legislation necessary to insure said protection and respect.

ARTICLE III

In order to identify the monuments and institutions mentioned in article I, use may be made of a distinctive flag (red circle with a triple red sphere in the circle on a white background) in accordance with the model attached to this treaty.

ARTICLE IV

The signatory Governments and those who accede to this treaty, shall send to the Pan American Union, at the time of signature or accession, or at any time thereafter, a list of the monuments and institutions for which they desire the protection agreed to in this treaty.

The Pan American Union, when notifying the Governments of signatures or accessions, shall also send the list of monuments and institutions mentioned in this article, and shall inform the other Governments of any changes in said list.

ARTICLE V

The monuments and institutions mentioned in article I shall cease to enjoy the privileges recognized in the present treaty in case they are made use of for military purposes.

ARTICLE VI

The States which do not sign the present treaty on the date it is opened for signature, may sign or adhere to it at any time.

ARTICLE VII

The instruments of accession, as well as those of ratification and denunciation of the present treaty, shall be deposited with the Pan American Union, which shall communicate notice of the act of deposit to the other signatory or acceding States.

ARTICLE VIII

The present treaty may be denounced at any time by any of the signatory or acceding States, and the denunciation shall go into effect three months after notice of it has been given to the other signatory or acceding States.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after having deposited their full powers found to be in due and proper form, sign this treaty on behalf of their respective governments, and affix thereto their seals, on the dates appearing opposite their signatures.

TRATADO PARA A PROTEÇÃO DAS
INSTITUIÇÕES ARTÍSTICAS, CIENTÍFICAS
E MONUMENTOS HISTÓRICOS (PACTO ROERICH)

As Altas Partes Contratantes, animadas pelo propósito de dar expressão convencional aos postulados da Resolução aprovada a 16 de dezembro de 1933 pela totalidade dos Estados representados na Sétima Conferência Internacional Americana, celebrada em Montevideu, que recomendou "aos Governos da América que não o tivessem feito, a assinatura do 'Pacto Roerich', iniciado pelo 'Museu Roerich' dos Estados Unidos e que tem por objeto a adoção universal de uma bandeira, já criada e difundida, para preservar com ela, em qualquer época de perigo, todos os monumentos e móveis de propriedade nacional e particular que formam o tesouro cultural dos povos", e a fim de que os tesouros da cultura sejam respeitados e protegidos em tempo de guerra e de paz, resolveram celebrar um tratado e com esse fim convieram nos seguintes artigos:

ARTIGO I

Serão considerados como neutros, e, como tais respeitados e protegidos pelos beligerantes, os monumentos históricos, os museus e as instituições dedicadas à ciência, à arte, à educação e à conservação dos elementos culturais.

Igual respeito e proteção se concederá ao pessoal das instituições acima mencionadas.

Conceder-se-à o mesmo respeito e proteção aos monumentos históricos, museus e instituições científicas, artísticas, educativas e culturais, tanto em tempo de paz como de guerra.

ARTIGO II

A neutralidade, proteção e respeito aos monumentos e instituições mencionados no artigo anterior, serão outorgados em todo o território de cada um dos Estados signatários e acedentes, sem fazer distinção por motivo da nacionalidade a que pertençam. Os Governos respectivos comprometem-se a adotar as medidas de legislação interna necessárias para assegurar a referida proteção e respeito.

ARTIGO III

Com o fim de identificar os monumentos e instituições a que se refere o artigo I, poder-se-á usar uma bandeira distintiva (círculo vermelho, com uma tripla esfera vermelha dentro do círculo, sôbre um fundo branco) conforme o modelo anexo a êste tratado.

ARTIGO IV

Os Governos signatários e os que acedam ao presente convênio, comunicarão à União Pan-Americana, no ato da assinatura ou da acessão, ou em qualquer tempo depois do referido ato, uma lista dos monumentos e instituições que desejam submeter à proteção outorgada por êste tratado.

A União Pan-Americana, ao notificar aos Governos os atos da assinatura ou da acessão, comunicará também a lista dos monumentos e instituições mencionados neste artigo, e informará os demais Governos de qualquer mudança que ulteriormente se faça na referida lista.

ARTIGO V

Os monumentos e instituições a que se refere o artigo I cessarão de gozar os privilégios que lhes reconhece o presente convênio, quando sejam usados para fins militares.

ARTIGO VI

Os Estados que não assinarem êste tratado em sua data poderão assiná-lo ou aceder a êle em qualquer tempo.

ARTIGO VII

Os instrumentos de acessão, assim como os de ratificação e denúncia do presente convênio, serão depositados na União Pan-Americana, a qual comunicará o fato do depósito aos Estados signatários ou acedentes.

ARTIGO VIII

Qualquer dos Estados que subscreverem o presente convênio ou que a êle acederem poderá denunciá-lo em qualquer tempo, e a denúncia terá efeito três meses depois da sua notificação aos outros signatários ou acedentes.

EM FÉ DO QUE, os Plenipotenciários abaixo assinados, depois de ter depositado os seus plenos poderes, que foram encontrados em boa e devida forma, firmam o presente convênio em nome dos seus respectivos Governos e apõem ao mesmo os seus selos, nas datas que aparecem em lugar oposto às suas assinaturas.

TRAITÉ POUR LA PROTECTION
D'INSTITUTIONS ARTISTIQUES ET SCIENTIFIQUES
ET DE MONUMENTS HISTORIQUES (PACTE ROERICH)

Les Hautes Parties Contractantes, animées du désir de donner une forme conventionnelle aux termes de la Résolution approuvée le 16 décembre 1933, par tous les Etats représentés à la Septième Conférence Internationale des Etats Américains, qui a eu lieu à Montevideo, "qui recommande aux Gouvernements d'Amérique à ne pas l'avoir encore fait, de signer le 'Pacte Roerich', institué par le 'Musée Roerich' des Etats-Unis, pour l'adoption universelle d'un drapeau, dont le modèle existe déjà et est connu de manière générale, afin de préserver ainsi en temps de danger tous les monuments immeubles, propriété nationale ou privée, qui constituent le patrimoine de la culture des peuples", ont décidé de conclure un traité dans ce but et afin que le patrimoine de la culture soit respecté et protégé en temps de guerre et de paix, sont convenus des articles suivants:

ARTICLE I

Les monuments historiques, les musées, les institutions dédiées aux sciences, aux arts, à l'éducation, et à la culture seront considérés comme neutres, et comme tels seront respectés et protégés par les belligérants.

Le même respect et la même protection seront dus au personnel des institutions mentionnées ci-dessus.

Les mêmes respect et protection seront accordés aux monuments historiques, musées, institutions scientifiques, artistiques, d'éducation et de culture en temps de paix aussi bien qu'en temps de guerre.

ARTICLE II

La neutralité, la protection et le respect dus aux monuments et institutions mentionnés à l'article précédent, seront accordés dans tout le territoire soumis à la souveraineté de chaque Etat signataire ou adhérent, sans aucune distinction concernant l'allégeance nationale desdits monuments et institutions. Les gouvernements s'engagent à adopter les mesures législatives intérieures nécessaires pour assurer le respect et la protection en question.

ARTICLE III

Pour désigner les monuments et institutions mentionnés à l'article I, on pourra se servir d'un drapeau distinctif conforme au modèle annexé au présent traité (un cercle rouge renfermant une triple sphère, le tout sur fond blanc).

ARTICLE IV

Les gouvernements signataires et ceux qui adhéreront au présent traité, communiqueront à l'Union Panaméricaine, au moment de la signature ou de l'adhésion, ou à toute époque postérieure, une liste des monuments et institutions pour lesquels ils désirent la protection stipulée par ce traité.

L'Union Panaméricaine, en notifiant aux gouvernements les signatures ou adhésions, leur communiquera aussi la liste des monuments et des institutions mentionnés dans cet article, et communiquera aux autres gouvernements tout changement dans ladite liste.

ARTICLE V

Les monuments et institutions mentionnés à l'article premier cesseront de jouir des avantages stipulés au présent traité quand ils seront utilisés pour des fins militaires.

ARTICLE VI

Les Etats qui ne signeront pas le présent traité à la date de sa signature pourront le signer ou y adhérer en tout temps.

ARTICLE VII

Les instruments d'adhésion aussi bien que ceux de ratification et de dénonciation du présent traité seront déposés auprès de l'Union Panaméricaine, qui communiquera l'acte de dépôt aux autres Etats signataires ou adhérents.

ARTICLE VIII

Le présent traité pourra être dénoncé à tout moment par tout Etat signataire ou adhérent, et la dénonciation produira son effet trois mois après avoir été notifiée aux autres Etats signataires ou adhérents.

EN FOI DE QUOI, les soussignés Plénipotentiaires, après avoir déposé leurs pleins pouvoirs, qui ont été trouvés en bonne et due forme, signent le présent accord au nom de leurs gouvernements respectifs et y apposent leurs sceaux, à la date figurant en regard de leurs signatures.

TRATADO PARA LA PROTECCION
DE INSTITUCIONES ARTISTICAS Y CIENTIFICAS
Y MONUMENTOS HISTORICOS (PACTO ROERICH)

Suscrito el 15 de abril de 1935 en Washington, D. C.

| <u>PAISES SIGNATARIOS</u> | <u>FECHA DE DEPOSITO DEL INSTRUMENTO DE RATIFICACION</u> |
|-------------------------------|--|
| Argentina | |
| Bolivia | |
| Brasil | Agosto 5, 1936 |
| Colombia | Febrero 20, 1937 |
| Costa Rica | |
| Cuba | Agosto 26, 1935 |
| Chile | Septiembre 8, 1936 |
| Ecuador | |
| El Salvador | Mayo 1, 1936 |
| Estados Unidos | Julio 13, 1935 |
| Guatemala | Septiembre 16, 1936 |
| Haití | |
| Honduras | (1) |
| México | Octubre 2, 1936 |
| Nicaragua | |
| Panamá | |
| Paraguay | |
| Perú | |
| República Dominicana | Noviembre 2, 1936 |
| Uruguay | |
| Venezuela | Noviembre 11, 1936 |

1. Ratificó el 27 de enero de 1936, pero no ha depositado el instrumento de ratificación.

El instrumento original está depositado en la Unión Panamericana, la cual es además depositaria de los instrumentos de ratificación. Entró en vigor el 26 de agosto de 1935, al depositar Cuba su instrumento de ratificación.

TREATY SERIES No. 34

OAS official Records OEA/Ser.X/1 (English)

**INTER-AMERICAN TREATIES
AND CONVENTIONS ON
ASYLUM AND EXTRADITION**

**PAN AMERICAN UNION
General Secretariat, Organization of American States
WASHINGTON, D.C., 1967**

This Series is published under the direction of the
General Legal Division, Department of Legal Affairs

PRELIMINARY NOTE

The purpose of this compilation is to make available, in a single convenient source, all texts of inter-American agreements in the related fields of asylum and extradition. A list of the parties follows the text of each treaty and convention.

This work is being issued simultaneously in Spanish and English. Since in a few cases no English version existed it was necessary to make our own translations—which, needless to say, have no official character.

Other texts available are listed at the beginning of each agreement.

January 1968

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TREATY ON INTERNATIONAL PENAL LAW *

(Signed in Montevideo on January 23, 1889, at the First South American Congress on Private International Law)

Bibliography: Translated from *Tratados de Montevideo 1889-1939-1940*, Publicación Oficial de la Facultad de Derecho y Ciencias Sociales de la Universidad de la República, Dr. Manuel Adolfo Vieira. Montevideo, 1959, page 39.

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Paraguay, Peru and Uruguay have agreed to a Treaty on International Penal Law, through their respective Plenipotentiaries, assembled in Congress, in the City of Montevideo, on the initiative of the Government of the Eastern Republic of Uruguay and of the Argentine Republic, represented by:

Here follow the names of the Plenipotentiaries

Who, after the presentation of their full powers, which were found in good form, and after conferences and discussions of the matter, have agreed to the following stipulations:

TITLE I. ON JURISDICTION

Article 1. Crimes and offenses shall be subject to trial by the courts and punished according to the laws of the country where the offense was committed, regardless of the nationality of the agent, or of the victim or wronged party.

Article 2. Such violations of criminal law as are perpetrated in a State, but exclusively affect rights and interests guaranteed by the laws of another State, shall fall under the jurisdiction of the State affected by them, and shall be punished according to its laws.

Article 3. When an offense affects different States, the jurisdiction of the State in whose territory the offender is caught shall prevail.

If the offender should seek shelter in a State different from the ones affected by his action, the jurisdiction of the State which first requests the extradition shall prevail.

* Revised by the Treaty on International Penal Law signed at Montevideo, March 19, 1940, at the Second South American Congress on Private International Law.

Article 4. In the cases referred to in the preceding article, if there is only one offender there shall be only one trial, and the penalty to be imposed shall be the severest one imposed by the penal laws of the different States concerned.

If the penalty ascertained to be the severest one should be one not permitted in the State in which the trial takes place, the severest penalty which is permitted shall be imposed.

The court shall, in all cases, apply to the executive power in order that due notice of the initiation of the proceedings may be given through it to the interested States.

Article 5. Each one of the contracting States shall have the power to expel from its territory, under its own laws, offenders who have taken shelter therein, if after notice to the State against which the refugee committed an extraditable offense no action shall have been taken by such State.

Article 6. Acts done in the territory of a State, which are not punishable according to its laws, but are punishable in another country, in which they produce injurious results, shall not be made the subject of judicial action in the latter, unless the offender is found within its territory.

The same rule shall also apply to those offenses which do not admit of extradition.

Article 7. In the trial and punishment of offenses committed by a member of a legation, the rules of public international law shall be observed.

Article 8. Crimes committed on the high seas, or on neutral waters, on board either a man-of-war or a merchant vessel, shall be tried and punished according to the laws of the State to which the flag of the vessel belongs.

Article 9. Crimes and offenses committed on board a man-of-war when in the waters of a foreign nation shall be tried and punished according to the laws of the State to which the vessel belongs.

The same rule shall be applicable to offenses committed outside the vessels by members of the crew thereof, or by persons employed on board the same, if the said crimes or offenses infringe principally the law or rules of discipline in force upon the vessel.

But when the crimes or offenses herein referred to, committed outside the vessel, were so committed by persons not belonging to the ship's company, then the jurisdiction to try the offenders shall belong to the State in whose territorial waters the vessel may happen to find itself.

Article 10. Crimes and offenses committed on board a man-of-war or on board a merchant vessel, under the circumstances mentioned in Article 2, shall be tried and punished as provided by that article.

Article 11. Crimes and offenses committed on board a merchant vessel shall be tried and punished according to the laws of the State in whose territorial waters the offense was committed.

Article 12. For purposes of jurisdiction, territorial waters are declared to be those comprised in a belt five miles wide running along the coast, either of the mainland or of the islands which form part of the territory of each State.

Article 13. Acts of piracy, as defined by public international law, shall be subject to the jurisdiction of the State under whose power the offenders may happen to fall.

Article 14. Criminal prosecution shall be governed by the laws of the State having jurisdiction to punish the offense.

TITLE II. ON ASYLUM

Article 15. No offender who has taken refuge in the territory of a State shall be surrendered to the authorities of any other State except in compliance with the rules governing extradition.

Article 16. Political refugees shall be afforded an inviolable asylum; but it is the duty of the nation of refuge to prevent asylees of this kind from committing within its territory any acts which may endanger the public peace of the nation against which the offense was committed.

Article 17. Such persons as may be charged with non-political offenses and seek refuge in a legation, shall be surrendered to the local authorities by the head of the said legation, at the request of the Ministry of Foreign Relations, or of his own motion.

Said asylum shall be respected with regard to political offenders, but the head of the legation shall be bound to give immediate notice to the government of the State to which he is accredited; and the said government shall have the power to demand that the offender be sent away from the national territory in the shortest possible time.

The head of the legation shall, in his turn, have the right to require proper guarantees for the exit of the refugee without any injury to the inviolability of his person.

The same rule shall be applicable to the refugees on board a man-of-war anchored in the territorial waters of the State.

Article 18. The provisions of Article 15 shall not be applicable to deserters from vessels of war while in the territorial waters of a State.

Said deserters, whatever their nationality may be, shall be surrendered by the local authorities, upon proper identification, whenever the legation, or if there is no legation, the consular officer of the country concerned may request it.

TITLE III. EXTRADITION

Article 19. The signatory States shall be bound to deliver up to another such offenders as have taken refuge within its territory, whenever the following circumstances shall concur, namely:

1. That the nation which claims the offender has competent jurisdiction to take cognizance of and punish the offense with which the refugee is charged.

2. That the kind and gravity of the offense are such as to justify extradition.

3. That the nation which demands the extradition has presented such documents as, under its own laws, authorize the imprisonment and trial of the offender.

4. That the action against the offender has not been barred by the statute of limitations, under the laws of the country which makes the demand.

5. That the offender has not been sentenced for the same offense and served out his sentence.

Article 20. Extradition shall in no case be barred by the nationality of the offender.

Article 21. The offenses for which extradition is warranted are the following:

1. As to alleged offenders, those offenses which under the laws of the country which demands the extradition are punishable by imprisonment for not less than two years, or the equivalent thereof.

2. As to the convicted offenders, those offenses the minimum penalty for which is imprisonment for one year.

Article 22. No person shall be delivered up on extradition proceedings when the offense charged is one of the following:

Dueling;

Adultery;

Slander and libel;

Crimes against worship.

But common (nonpolitical) offenses connected with any of the above named shall warrant the extradition of the offenders.

Article 23. Political offenses, offenses subversive of the internal or external safety of a State, or common offenses connected with these, shall not warrant extradition.

The determination of the character of the offense is incumbent upon the nation upon which the demand for extradition is made; and its decision shall be made under and according to the provisions of the law which shall prove to be most favorable to the accused.

Article 24. No civil or commercial action affecting the offender shall prevent the extradition from being accomplished.

Article 25. The surrender of the offender may be delayed as long as he shall continue subject to the penal action of the State from which he is demanded; but the extradition proceedings shall not be interrupted for that reason.

Article 26. Such offenders as shall have been delivered up on extradition proceedings, shall never be either tried or punished for political offenses, or for any acts connected with political offenses, previously committed.

But said offenders may be subject to trial and punishment upon consent of the State which surrendered them, in accordance with the terms of the present treaty, for offenses which are extraditable but which did not form part of the charge upon which extradition was granted.

Article 27. When several nations demand the surrender of an offender for different offenses, he shall be surrendered to the nation against which the gravest offense was committed in the judgment of the State upon which the requisition has been made. If the offenses are equally grave, preference shall be given to the nation which had priority in the demand for extradition; if all the demands bear the same date, the country upon which the demand is made shall determine the order of surrender.

Article 28. If, after an offender is delivered up to one State, a new demand for his extradition is made by another State, it shall be optional with the State which first granted the extradition whether or not to accede to the new demand, provided that the prisoner has not been set at liberty.

Article 29. When the penalty for the offense with which the offender is charged is the penalty of death, the nation which grants the extradition may demand the imposition of the penalty next lower in degree.

TITLE IV. PROCEEDINGS FOR EXTRADITION

Article 30. Demands for extradition shall be presented through the respective legations or consular offices, and, in the absence of these, directly from Government to Government, and they shall be accompanied by the following documents:

1. In cases of alleged delinquents, a legalized copy of the penal law applicable to the offense on which the demand is based, and of the warrant of arrest and other antecedents referred to in paragraph 3 of Article 19.

2. In cases of those already sentenced, by a legalized copy of the final sentence of condemnation passed against the offender and the proper evidence that the condemned man was summoned and was either represented at the trial, or legally adjudged in contumaciam.

Article 31. If the State upon which the demand for extradition is made should deem the said demand to be unwarranted, owing to some defects of form, it shall return the papers to the Government which made it, with the proper explanation of the defects.

Article 32. If the demand for extradition is made in due form, the Government upon which it is made shall transmit all the antecedents to a judge or tribunal of competent jurisdiction on the subject, and the said judge or tribunal shall order the arrest of the offender and the sequestration of any property related to the crime, if it is deemed proper, under the provisions of this Treaty.

Article 33. In all cases involving the arrest of the refugee, due notice shall be given to him within the twenty-four hours following his arrest, of the cause for his arrest and of the right which is vested in him under the following article.

Article 34. The prisoner shall be allowed, within three days and no more, to be counted from the day following that on which notification was first received, to object to his extradition on the following grounds:

1. That he is not the person to whom the demand for extradition refers.
2. That the documents upon which the demand is based are not in due form.
3. That the extradition is not warranted.

Article 35. Evidence shall be admitted in the cases in which it may be necessary, governed by the same rules, as far as relevancy and time are concerned, as are in force in the country upon which the demand is made.

Article 36. After the whole evidence is on file, the judge or tribunal shall decide within ten days, and without any further steps, whether the extradition must or must not be granted.

An appeal can be taken against this decision to the competent court within three days, and that court shall decide within five days.

Article 37. If the decision is to the effect that the extradition be granted, the tribunal which rendered it shall give notice thereof immediately to the executive power, in order that the proper provision may be made by it for the delivery of the prisoner.

If the decision be adverse to the extradition, the judge or tribunal shall at once order the release of the prisoner, and shall give due information to the executive power by sending to it a copy of its decision.

If extradition was refused due to insufficient documents, the case shall be reopened provided that the Government demanding the extradition presents new documents, or supplements those which had been presented before.

Article 38. Whenever the prisoner acquiesces in his surrender, the court, upon entering the said acquiescence in due form, shall render a decision, without further transaction, granting his extradition.

Article 39. Every article or object related to the crime on which the extradition is based and found in the possession of the offender, shall be yielded to the State which obtained the surrender.

Those found in the possession of third parties shall not be surrendered unless the possessors thereof have first been given the proper hearing, and unless their objections have been resolved.

Article 40. When the extradition is to take place by land, the Government which delivers up the prisoner shall be bound to take the latter to the most convenient point of its frontier.

When the extradition is to take place over sea or by a river route, the prisoner shall be delivered up to the agents of the other nation at the most appropriate port of embarkation.

The nation requesting the extradition shall always have the right to send one or more security agents for the proper custody of the prisoner; but the functions and power of said officers shall be subordinate to the agents or authorities of the country which makes the delivery, or of the country over which the prisoner is conveyed.

Article 41. Whenever the extradition of a prisoner has been granted but the delivery cannot be actually accomplished without passing through the territory of another State, the latter shall grant permission to do so, upon no other requisite than the exhibition, diplomatically, of the decree of extradition issued by the Government which granted it.

If the transit is granted, the provisions of the third paragraph of the preceding article shall be complied with.

Article 42. The expenses which may be incurred owing to the demand of extradition up to the moment of the delivery, shall be paid by the State upon which the demand is made; but all those incurred after such delivery shall be paid by the Government making the demand.

Article 43. Whenever the extradition is granted, and the offender involved is a convicted criminal, the Government which obtained the extradition shall be bound to communicate to the Government with granted it, the decision rendered in the case or trial for which it was granted.

TITLE V. OF THE PRECAUTIONARY ARREST

Article 44. When the signatory Governments deem the case to be urgent, they shall request by mail or by telegraph that administrative procedures leading to the provisional arrest of the offender, as well as to the security of the objects related to the crime, be taken, provided that a sentence or a warrant of arrest is positively asserted to have been issued and the nature of the offense with which he is charged is clearly defined.

Article 45. The person so arrested shall be set at liberty if within ten days subsequent to the arrival of the first mail sent after the date of the petition for the provisional arrest no formal demand of extradition shall have been made by the requesting State.

Article 46. In all cases of precautionary arrest the responsibilities thereof belong to the Government which requested it.

GENERAL PROVISIONS

Article 47. No simultaneous ratification of this treaty by all the signatory States shall be necessary for its validity. Any State which approves of the treaty shall communicate its approval thereof to the Governments of the Argentine Republic and of the Oriental Republic of Uruguay, which shall give notice thereof to the other contracting States. This process shall take the place of an exchange.

Article 48. The exchange having been made in the manner provided for in the preceding article, the treaty shall remain in force for an indefinite period of time.

Article 49. If any one of the contracting nations should deem it advisable to discontinue its adhesion to the treaty, or should desire to introduce modifications into its provisions, it shall be in its power to do so provided that it give notice of its intention to do so to the other parties; but it shall not be released from its obligation until after two years have elapsed after the notice aforesaid was given by it; and in these two years it shall endeavor to reach a new agreement on the subject.

Article 50. The stipulations of this treaty shall be applicable only to offenses committed during the time in which it has been in force.

Article 51. The provisions of Article 47 are applicable to nations which have not attended this Congress, but wish to adhere to this treaty.

In testimony whereof, the Plenipotentiaries of the cited Nations sign it and set thereto the seal on five copies, in Montevideo, on the twenty-third day of January in the year of one thousand eight hundred and eighty nine.

[Here follow the signatures of the Plenipotentiaries.]

Note: The following countries are parties to this treaty, having deposited their instruments of ratification, without reservations, with the Government of Uruguay: Argentina, Bolivia, Paraguay, Peru, and Uruguay.

**TREATY FOR THE EXTRADITION OF CRIMINALS AND FOR PROTECTION
AGAINST ANARCHISM ***

(Signed at Mexico City, January 28, 1902, at the
Second International Conference of American States)

Bibliography: (1) International Conferences of American States.
Carnegie Endowment for International Peace, 1889-1928, page 83.
(2) Treaty Series No. 32, Pan American Union, 1966, page 34.

Their Excellencies the Presidents of the Argentine Republic,
Bolivia, Colombia, Costa Rica, Chile, the Dominican Republic,
Ecuador, El Salvador, the United States of America, Guatemala,
Haiti, Honduras, the United Mexican States, Nicaragua, Paraguay,
Peru and Uruguay;

Desiring that their respective countries should be represented
at the Second International American Conference, sent thereto duly
authorized to approve the recommendations, resolutions, conventions
and treaties that they might deem convenient for the interests of
America, the following Delegates:

[Here follow the names of the Delegates.]

Who, after having communicated to each other their respective
full powers and found them to be in due and proper form, excepting
those presented by the representatives of their Excellencies the
Presidents of the United States of America, Nicaragua, and Paraguay,
who act ad referendum, have agreed to enter into a Treaty for the
extradition of criminals and for protection against anarchism, in the
following terms:

Article 1. The High Contracting Parties agree reciprocally to sur-
render persons accused or sentenced by the proper authorities when-
ever the following circumstances occur;

I. That the demanding State shall have jurisdiction to commit
the delinquent who is the cause of the demand of extradition.

* For lack of a sufficient number of ratifications, it never entered into force.

II. That the perpetration of a crime or offense of the common order which the laws of the demanding and requiring States punish with the penalty of not less than two years imprisonment, be duly invoked.

III. If, by reason of the federal form of government of some of the High Contracting Parties, it shall not be possible to determine the punishment corresponding to a crime for which extradition has been demanded, the following list of crimes shall be taken as a basis for the demand:

1. Murder, comprehending the crimes known as parricide, assassination, poisoning and infanticide.
2. Rape.
3. Bigamy.
4. Arson.
5. Crimes committed at sea, to wit:
 - (a) Piracy, as commonly known and defined by the Law of Nations.
 - (b) Destruction or loss of a vessel, caused intentionally; or conspiracy and attempt to bring about such destruction or loss, when committed by any person or persons on board of said vessel on the high seas.
 - (c) Mutiny or conspiracy by two or more members of the crew, or other persons, on board of a vessel on the high seas, for the purpose of rebelling against the authority of the captain or commander of such vessel, or by fraud, or by violence, taking possession of such vessel.
6. Burglary, defined to be the act of breaking and entering into the house of another in the night time, with intent to commit a felony therein.
7. The act of breaking into and entering public offices, or the offices of banks, banking houses, savings banks, trust companies, or insurance companies, with intent to commit theft therein, and also the thefts resulting from such acts.
8. Robbery, defined to be the felonious and forcible taking from the person of another of goods or money, by violence or by putting the person in fear.

9. Forgery or the utterance of forged papers.
10. The forgery, or falsification of the official acts of the Government or public authority, including courts of justice, or the utterance or fraudulent use of any of the same.
11. The fabrication of counterfeit money, whether coin or paper, counterfeit titles or coupons of public debt, or other instruments of public credit; of counterfeit seals, bank notes, stamps, dies, and marks of State, or public administration, and the utterance, circulation, or fraudulent use of any of the above-mentioned objects.
12. The introduction of instruments for the fabrication of counterfeit coin or bank notes or other paper current as money.
13. Embezzlement or malversation of public funds committed within the jurisdiction of either party by public officers or depositaries.
14. Embezzlement of funds of a bank of deposit, or savings bank, or trust company, chartered under the laws.
15. Embezzlement by any person or persons hired or salaried, to the detriment of their employers, when the crime is subject to punishment by the laws of the place where it was committed.
16. Kidnapping of minors or adults, defined to be the abduction or detention of a person or persons in order to exact money from them for their ransom or for any other unlawful end.
17. Mayhem and any other willful mutilation causing disability or death.
18. The malicious and unlawful destruction or attempted destruction of railways, trains, bridges, vehicles, vessels and other means of travel, or of public edifices and private dwellings, when the act committed shall endanger human life.
19. Obtaining by threats or injury, or by false devices, money, valuables or other personal property, and the purchase of the same with the knowledge that they have been so obtained, when such crimes or offences are punishable by imprisonment or other corporal punishment by the laws of both countries.
20. Larceny, defined to be the theft of effects, personal property, horses, cattle, livestock, or money, of the value of at least twenty-five dollars, or receiving stolen property, of that value knowing it to be stolen.

21. Extradition shall also be granted for the attempt to commit any of the crimes and offences above enumerated, when such attempt is punishable with prison or other corporal penalty by the laws of both Contracting Parties.

IV. That the demanding State present documents which, according to its laws, authorize the provisional arrest and the legal commitment of the offender.

V. That either the offence or penalty has not prescribed, in conformity with the respective laws of both countries.

VI. That the offender, if already sentenced, has not served his sentence.

Article 2. Extradition shall not be granted for political offences or for deeds connected therewith. There shall not be considered as political offences acts which may be classified as pertaining to anarchism, by the legislation of both the demanding country and the country from whom the demand is made.

Article 3. In no case can the nationality of the person accused prevent his or her surrender under the conditions stipulated by the present Treaty, but no Government shall be bound to grant the extradition of its own citizens, reserving to itself the right to surrender them when in its judgment it is proper to do so.

Article 4. If the person whose extradition is demanded is subject to penal proceedings, or is detained for having committed an offence in the country where he has sought refuge, his delivery shall be delayed until the end of the proceedings, or until he has served his sentence.

Civil obligations contracted by the accused in the country of refuge shall not be an obstacle to his delivery.

Article 5. Extradition, when granted, does not authorize the trial and punishment, of the party surrendered, for a crime different from the one that may have served as ground for the corresponding demand; unless it has connection therewith and is founded upon the same proof as that of the demand.

This stipulation is not applicable to crimes or felonies committed after extradition.

Article 6. If another State or States, by virtue of stipulations in treaties, demand the surrender of the same individual by reason of different felonies, preference shall be given to the demand of the State in whose territory the greatest offence has been committed in the judgment of the State upon which the requisition has been made. If the felonies should be considered of the same degree, preference shall be given to the State that may have priority in the demand for extradition, and if all the demands bear the same date, the country upon which the demand is made shall determine the order of surrender.

Article 7. The requests for extradition shall be presented by the respective diplomatic or consular agents; and, in the absence of these, directly by one Government to another; and they shall be accompanied by the following documents:

I. In regard to alleged delinquents, a legalized copy of the penal law applicable to the offence for which the demand is made, and of the commitment and other requisites referred to in Clause IV of Article 1, shall be furnished.

II. With regard to those already sentenced, a legalized copy of the final sentence of condemnation.

All data and antecedents necessary to prove the identity of the person whose surrender is asked for, shall also accompany the demand.

Article 8. In cases of urgency, the provisional detention of the individual asked for may be granted on a telegraphic request, from the demanding Government to the Minister of Foreign Affairs, or to the proper authority of the country upon which the demand shall be made, and wherein a promise shall be made of sending the documents mentioned in the foregoing article; but the person detained shall be set free, if such documents are not presented within the term that may be designated by the nation on which the demand has been made, provided such term shall not exceed three months, to be counted from the date of the detention.

Article 9. The demand for extradition, insofar as the procedure is concerned, the determination of the genuineness of its origin, the admission and competency of the exception with which they can be opposed by the criminal or fugitive demanded, shall be submitted, whenever they do not conflict with the prescriptions of this Treaty, to the decision of the competent authorities of the country of refuge, which shall proceed in accordance with the legal provisions and practices

established for such a case in said country. The fugitive criminal is guaranteed the right of habeas corpus, or the protection (recurso de amparo) of his individual guarantees.

Article 10. All property which may be found in the possession of the accused, should he have obtained it through the perpetration of the act of which he is accused, which may serve as a proof of the crime for which his extradition is asked, shall be confiscated and delivered up with his person. Nevertheless, due recognition shall be given to the rights of third parties to the confiscated articles, provided they are not implicated in the accusation.

Article 11. The transit through the territory of one of the Contracting States of any individual delivered by a third country to another State not belonging to the country of transit, shall be granted on the simple presentation, either of the original or of a legalized copy of the resolution granting the extradition by the Government of the country of refuge.

Article 12. All expenses connected with extradition of the fugitive shall be for the account of the demanding State, with the exception of the compensation to the public functionaries who receive a fixed salary.

Article 13. The extradition of any individual guilty of acts of anarchism can be demanded whenever the legislation of the demanding State and of that on which the demand is made has established penalties for such acts. In such case, it shall be granted, although the individual whose extradition be demanded may be liable to imprisonment of less than two years.

Article 14. The Contracting Governments agree to submit to arbitration all controversies which may arise out of the interpretation or carrying into effect of this Treaty, when all means for a direct settlement by friendly agreements shall have failed.

Each Contracting Party shall name an arbitrator, and the two shall name an umpire, in case of dispute. The Committee of Arbitrators shall adopt the rules for the arbitration proceedings in every case.

Article 15. The present Treaty shall remain in force for five years from the day on which the last exchange of ratifications shall have been made and shall remain in force for another term of five years, if it should not have been denounced twelve months before the expiration of that period. In case any Government or Governments should denounce it, it shall remain in force among the other Contracting

Parties. This Treaty shall be ratified, and the ratifications shall be exchanged in the City of Mexico, within one year from the time of its being signed.

Article 16. If any of the High Contracting Parties should have concluded treaties of extradition among themselves, such treaties shall be amended only in the part modified or altered by the provisions of the present Treaty.

Transitory Article

The representatives of Costa Rica, Ecuador, Honduras and Nicaragua sign this Treaty with the reserve that their respective Governments shall not deliver the culprit who deserves the death penalty, according to the legislation of the demanding countries, except under the promise that such penalty shall be commuted for the one next below in severity.

If the Governments of the above-mentioned Delegations sustain the same reserve on ratifying the present Treaty, the latter will only bind them with those Governments which accept the conditions referred to.

In testimony whereof the Plenipotentiaries and Delegates sign the present Treaty and set thereto the seal of the Second International American Conference;

Made in the City of Mexico, on the twenty-eighth day of January nineteen hundred and two, in three copies written in Spanish, English and French respectively which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

[Here follow the signatures of the Delegates.]

TREATY FOR THE EXTRADITION OF CRIMINALS AND
FOR PROTECTION AGAINST ANARCHISM

(Signed at Mexico City, January 28, 1902, at the
Second International Conference of American States)

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|--------------------------------|--|
| Argentina | |
| Bolivia | |
| Chile | |
| Colombia | |
| Costa Rica ¹ | November 23, 1903 ¹ |
| Dominican Republic | (2) |
| Ecuador ¹ | (3) |
| El Salvador | July 4, 1902 |
| Guatemala | August 6, 1902 |
| Haiti | |
| Honduras ¹ | |
| Mexico | April 22, 1902 |
| Nicaragua ¹ | (4) |
| Paraguay | |
| Peru | |
| United States | |
| Uruguay | |

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1. With a reservation. (See the transitory article of the Treaty.)
 2. Ratified October 10, 1934, but ratification not deposited.
 3. Ratified, with reservation, October 8, 1902, but ratification not deposited.
 4. Ratified, with reservation, February 17, 1906, but ratification not deposited.

The original instrument is deposited with the Secretariat of Foreign Affairs of Mexico, which is also the depository of the instruments of ratification.

This treaty was to be in effect for five years, beginning from the day the last exchange of ratifications took place, and was to continue in force for five more years, unless it was denounced 12 months before the first period of five years expired.

AGREEMENT ON EXTRADITION

(Signed in Caracas on July 18, 1911
at the Bolivarian Congress)

Bibliography: Translated from text in *Tratados Públicos y Acuerdos Internacionales de Venezuela, 1900-1920, Vol. II. Tipografía Americana, Caracas, 1925, page 435.*

The undersigned Plenipotentiaries of the Republics of Ecuador, Bolivia, Peru, Colombia, and Venezuela, having exchanged their respective full powers, agree upon the following Agreement on Extradition:

Article 1. The contracting States agree mutually to deliver up, in accordance with the provisions of this Agreement, persons who have been charged or convicted by the judicial authorities of any one of the contracting States as authors of, accomplices in, or accessories to any one or more of the crimes or offenses specified in Article 2, within the jurisdiction of one of the contracting parties, and seek asylum or are found within the territory of one of them. In order for extradition to be effected, it is necessary that the evidence of the infraction be such that the laws of the place where the fugitive or defendant is found would justify his arrest or trial, if the act or attempted crime or offense had been there committed.

Article 2. Extradition shall be granted for the following crimes and offenses:

1. Murder, including parricide, infanticide, assassination, poisoning, and abortion.

2. Voluntarily caused wounds or lesions that produce death unintentionally, or produce a definite mental or physical disease or one that appears incurable, or permanent incapacity to work, or the absolute loss or deprivation of the use of sight or of a member necessary for self-defense or protection, or a serious mutilation.

3. Arson.

4. Abduction, rape, or other attacks against modesty.

5. Abandonment of children.
6. Kidnapping, hiding, suppressing or substituting of children or falsely pretending parenthood.
7. Association of malefactors for a proven criminal purpose with respect to the offenses that give rise to extradition.
8. Bigamy or polygamy.
9. Robbery or theft of money or personal property.
10. Fraud that constitutes swindle or deceit.
11. Plundering or extortion for which sentence has duly been passed by the courts of justice, in accordance with the corresponding legislation.
12. Embezzlement.
13. Forgery of papers or utterance of forged papers; forgery of official documents of the government, the public authorities, or the courts of justice, or utterance of the thing forged.
14. Counterfeiting or falsifying money, whether coin or paper, or a title of debt created by the national, state, provincial, or municipal government, or coupons of these titles, or bank notes, or the utterance or circulation thereof.
15. Counterfeiting or falsification of seals, stamps, dies, postage stamps, and marks of the respective governments or of the public authorities or administration; or the fraudulent use, circulation, or utterance of the said objects.
16. Malversation committed by public officials; malversation committed by employed or salaried persons, to the detriment of those who employ them.
17. Bribery or extortion.
18. Giving of false testimony or making of false statements by witnesses or experts, or subornation of witnesses, experts, or interpreters.
19. Fraudulent bankruptcy or frauds committed in bankruptcy.

20. Voluntary and unlawful destruction or obstruction of railroads that endangers the lives of persons.

21. Flooding or other ravages.

22. Crimes committed at sea:

a) Piracy, as defined by municipal law or the law of nations;

b) Mutiny, or conspiracy to mutiny, by two or more persons aboard a ship on the high seas, against the authority of the captain or the person acting in his place;

c) Criminal sinking or destruction of a ship at sea;

d) Assaults committed on board a ship on the high seas for the purpose of causing serious bodily harm;

e) Desertion from the navy or army. Criminal destruction of munitions or stores on land or at sea.

23. Crimes or offenses against the laws of the contracting parties directed at the suppression of slavery and the slave trade.

24. Attacks against individual freedom and the inviolability of the home, committed by private individuals.

Article 3. When the crime or offense that is the reason for extradition has been committed, attempted, or frustrated outside the requesting State, extradition may be granted only when the legislation of the requested State authorizes the prosecution of such infractions when they are committed outside its jurisdiction.

Article 4. Extradition shall not be granted in the case of any fugitive from justice if the act on which it is based is considered in the requested State as a political offense or a related act, and no person surrendered by any of the contracting States to another shall be tried or punished for any political crime or offense or any act connected therewith, committed prior to his extradition. Nor shall extradition be granted if the requested person proves that it has been made for the purpose of trying or punishing him for a political offense or a related act.

An attempt in any form or by any means upon the life of a chief of state shall not be considered a political offense or related act.

Should any question arise as to whether a case is covered by the provisions of this article, the decision of the authorities of the requested or granting State shall be final.

Article 5. Nor shall extradition be granted in the following cases:

a) When, according to the laws of either State, the maximum penalty for the participation that is imputed to the person claimed, does not exceed imprisonment for six months;

b) When, according to the laws of the State to which the request is directed, the action or the penalty to which the person tried or convicted was subjected is barred by limitation;

c) When the individual whose extradition is requested has already been tried and set free or has paid his penalty, or when the deeds imputed have been the object of an amnesty or a pardon.

Article 6. The request for extradition shall be made scrupulously through diplomatic channels.

Article 7. When the person claimed has been charged or convicted by the requested State, the surrender, when otherwise proper, shall not be effected until the person claimed has been acquitted or pardoned or has served the sentence, or until the trial has been concluded in some way.

Article 8. The request for extradition shall be accompanied by the sentence, if the fugitive has been tried and convicted; or by the warrant of arrest issued by the competent court, with the exact designation of the offense or crime that motivates the request and of the date of its perpetration, as well as of the statements or other evidence by virtue of which the said warrant has been issued, in the event that the fugitive has only been charged.

These documents shall be presented in originals or in duly certified copies, and there shall be attached to them a copy of the text of the law applicable to the case and, insofar as possible, the description of the person claimed.

Extradition of fugitives by virtue of the provisions of the present treaty shall be effected in accordance with the extradition laws of the requested State.

In no case shall extradition be effected if a similar act is not punishable by the law of the requested nation.

Article 9. Provisional arrest of the fugitive shall be effected if an order of arrest issued by the competent court is produced through diplomatic channels. Provisional arrest shall also be effected if notice

is given, even by telegraph, through diplomatic channels to the Ministry of Foreign Affairs of the requested State, that there is a warrant of arrest. In case of urgency, principally when it is feared that the defendant will flee, provisional arrest requested directly by a judicial official may be granted by a police authority or by a trial judge of the place where the fugitive is found.

The provisional arrest shall end if, within the term applicable by reason of distance, the request for extradition is not made in accordance with the stipulations contained in Article 8.

Article 10. The death penalty shall not be applied to a convict unless it is permitted in the country that surrenders him.

Article 11. The person extradited may not be tried or punished in the State that claims him, except for the acts mentioned in the request for extradition, nor may he be surrendered to another nation unless he has had freedom to leave that State for one month after being sentenced, after paying the penalty, or after being pardoned, as the case may be. In all these cases, the person extradited shall be advised of the consequences to which his remaining in the territory of the nation would expose him.

Article 12. All the objects that constitute the corpus delicti, those that stem from the crime, or those that have served to commit it, as well as any other evidence of guilt that may have been found in the possession of the fugitive, shall, upon the decision of the competent authority, be surrendered to the demanding State, insofar as this can be done and is in accordance with the laws of the respective nations.

Nevertheless, the rights of third persons with respect to those objects shall be duly respected.

Article 13. When a person is claimed by several States at the same time, preference shall be determined by the prior assertion of claim, unless the nation of asylum is obliged by a previous treaty to give preference in some other manner.

Article 14. If the demanding State has not taken possession of the person claimed within three months from the day on which he was placed at its disposal, the prisoner shall be set free, and he may not be arrested again for the same cause.

Article 15. The expenses occasioned by the arrest, detention, examination, and surrender of fugitives, by virtue of this Agreement, shall be paid by the State that requests extradition; and the person who is to

be surrendered shall be taken to the port of the requested State that is indicated by the requesting government or its diplomatic agent, at whose expense he shall be embarked.

Article 16. If the accused so requests, the Supreme Court of Justice of the requested nation shall decide whether or not the offense alleged is to be considered of a political character or connected with a political offense.

Article 17. This Agreement shall have a duration of five years counted from one month following the exchange of ratifications thereof, and shall not have retroactive effect.

After the completion of that term it shall be understood to be extended until one of the contracting States communicates to the others its will to make it cease one year following notification.

Article 18. Except as provided in the present Agreement, the signatory States recognize the institution of asylum, in accordance with the principles of international law.

Article 19. When it is necessary, for the surrender of a defendant whose extradition has been granted by one nation in favor of another to cross the territory of an intermediate State, transit shall be authorized by that State without any requirement other than the exhibition through diplomatic channels of evidence in the form of the decree of extradition issued by the government that granted it.

In witness whereof they sign this Agreement in five copies of the same text at Caracas, July 18, 1911.

[Here follow the signatures of the Plenipotentiaries.]

AGREEMENT ON EXTRADITION

(Signed in Caracas on July 18, 1911
at the Bolivarian Congress)

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|--------------------------------|--|
| Bolivia | December 24, 1912 |
| Colombia | July 28, 1914 |
| Ecuador | August 31, 1914 |
| Peru | August 22, 1915 |
| Venezuela | December 19, 1914 |

**AGREEMENT INTERPRETING THE AGREEMENT
ON EXTRADITION OF JULY 18, 1911**

(Signed at Quito, August 10, 1935)

Bibliography: Translated from text in Memoria del Ministro de Relaciones Exteriores, Lima, Perú. Imprenta Torres Aguirre, 1936, page 72.

The undersigned plenipotentiaries of the Republics of Bolivia, Colombia, Ecuador, Panama, Peru, and Venezuela, having exchanged their respective full powers, agree upon the following:

For the purpose of limiting provisional arrest of a fugitive whose extradition is of interest to a Bolivarian country:

Article 1. The term referred to in the second paragraph of Article 9 of the Agreement on Extradition shall be 90 days for bordering countries and 120 days for nonbordering countries.

In witness whereof they sign six copies of the same text, at Quito, on August 10, 1935.

(This interpretive agreement was signed by the Plenipotentiaries of Bolivia, Ecuador, Peru and Venezuela).

CONVENTION ON ASYLUM

(Signed in Havana, February 20, 1928, at the Sixth International Conference of American States)

Bibliography: (1) International Conferences of American States. Carnegie Endowment for International Peace, 1889-1928, page 434. (2) Law and Treaty Series No. 34, Treaties and Conventions Signed at the Sixth International Conference of American States, Havana, Cuba, 1928. Pan American Union, 1950, page 4.

The Governments of the States of America, being desirous of fixing the rules they must observe for the granting of asylum, in their mutual relations have agreed to establish them in a Convention and to that end have appointed as Plenipotentiaries:

[Here follow the names of the Plenipotentiaries.]

Who, after exchanging their respective full powers, found to be in good and due form, have agreed on the following:

Article 1. It is not permissible for States to grant asylum in legations, warships, military camps or military aircraft, to persons accused or condemned for common crimes, or to deserters from the army or navy.

Persons accused of or condemned for common crimes taking refuge in any of the places mentioned in the preceding paragraph, shall be surrendered upon request of the local government.

Should said persons take refuge in foreign territory, surrender shall be brought about through extradition, but only in such cases and in the form established by the respective treaties and conventions or by the constitution and laws of the country of refuge.

Article 2. Asylum granted to political offenders in legations, warships, military camps or military aircraft, shall be respected to the extent in which allowed, as a right or through humanitarian toleration, by the usages, the conventions or the laws of the country in which granted and in accordance with the following provisions:

First: Asylum may not be granted except in urgent cases and for the period of time strictly indispensable for the person who has sought asylum to ensure in some other way his safety.

Second: Immediately upon granting asylum, the diplomatic agent, commander of a warship, or military camp or aircraft, shall report the fact to the Minister of Foreign Relations of the State of the person who has secured asylum, or to the local administrative authority, if the act occurred outside the capital.

Third: The Government of the State may require that the refugee be sent out of the national territory within the shortest time possible; and the diplomatic agent of the country who has granted asylum may in turn require the guaranties necessary for the departure of the refugee with due regard to the inviolability of his person, from the country.

Fourth: Refugees shall not be landed in any point of the national territory nor in any place too near thereto.

Fifth: While enjoying asylum, refugees shall not be allowed to perform acts contrary to the public peace.

Sixth: States are under no obligation to defray expenses incurred by one granting asylum.

Article 3. The present Convention does not affect obligations previously undertaken by the contracting parties through international agreements.

Article 4. After being signed, the present Convention shall be submitted to the ratification of the signatory States. The Government of Cuba is charged with transmitting authentic certified 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 aforementioned Plenipotentiaries sign the present Convention in Spanish, English, French and Portuguese, in the city of Havana, the 20th day of February, 1928.

[Here follow the signatures of the Plenipotentiaries.]

RESERVATION MADE AT THE TIME OF SIGNING

The Delegation of the United States of America, in signing the present Convention, establishes an explicit reservation, placing on record that the United States does not recognize or subscribe to as part of international law, the so called doctrine of asylum.

CONVENTION ON ASYLUM

(Signed in Havana, February 20, 1928, at the Sixth
International Conference of American States)

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|---------------------------------|--|
| Argentina | |
| Bolivia | |
| Brasil | August 29, 1929 |
| Chile | |
| Colombia | February 20, 1937 |
| Costa Rica | June 7, 1933 |
| Cuba | May 4, 1931 |
| Dominican Republic ¹ | April 8, 1932 ¹ |
| Ecuador | September 4, 1936 |
| El Salvador | January 9, 1937 |
| Guatemala | September 25, 1931 |
| Haiti ² | March 13, 1952 ² |
| Honduras | September 10, 1956 |
| Mexico | February 6, 1929 |
| Nicaragua | March 20, 1930 |
| Panama | May 21, 1929 |
| Paraguay | October 28, 1948 |
| Peru | June 21, 1945 |
| United States ³ | |
| Uruguay | September 16, 1933 |
| Venezuela | |

1. Denounced on October 6, 1954. The Dominican Republic has also denounced the Convention on Political Asylum signed at the Seventh Conference at Montevideo in 1933.
2. Haiti denounced this convention on August 1, 1967. The denunciation will take effect on August 2, 1968. Haiti has also denounced the Convention on Territorial Asylum and the Convention on Diplomatic Asylum signed at the Tenth Conference at Caracas in 1954, as well as the Convention on Political Asylum signed at the Seventh Conference at Montevideo in 1933.
3. With a reservation.

The original instrument is deposited with the Ministry of State of Cuba. The Pan American Union is the depository of the instruments of ratification. The convention entered into force on May 21, 1929, when Panama deposited the second ratification.

**CONVENTION ON PRIVATE INTERNATIONAL LAW
(BUSTAMANTE CODE)**

(Signed in Havana on February 20, 1928, at the Sixth
International Conference of American States)

Bibliography: (1) International Conferences of American States, Carnegie Endowment for International Peace, 1889-1928, page 360.
(2) Law and Treaty Series No. 34, Treaties and Conventions Signed at the Sixth International Conference of American States, Havana, Cuba, 1928, Pan American Union, 1950, page 61.

BOOK IV - TITLE III

Extradition

Article 344. In order to render effective the international judicial competence in penal matters each of the contracting States shall accede to the request of any of the others for the delivery of persons convicted or accused of crime, if in conformity with the provisions of this title, subject to the dispositions of the international treaties and conventions containing a list of penal infractions which authorize the extradition.

Article 345. The contracting States are not obliged to hand over their own nationals. The nation which refuses to give up one of its citizens shall try him.

Article 346. Whenever before the receipt of the request, a person accused or convicted has committed an offense in the country from which his delivery is requested, the said delivery may be postponed until he is tried and has served sentence.

Article 347. If various contracting States should request the extradition of a delinquent for the same offense, he should be delivered to that one in whose territory the offense has been committed.

Article 348. In case the extradition is requested for different acts, the preference shall belong to the contracting State in whose territory the most grievous offense has been committed, according to the legislation of the State upon which the request was made.

Article 349. If all the acts imputed should be equally grave, the preference shall be given to the contracting State which first presents the request for extradition. If all have applied simultaneously, the

State upon which the request was made shall decide, but the preference should be given to the State of origin, or in the absence thereof, to that of the domicile of the accused, if such State is among those requesting extradition.

Article 350. The foregoing rules in respect to preference shall not be applicable if the contracting State is obligated toward a third one, by reason of treaties in force prior to the adoption of this Code, to establish a different method.

Article 351. In order to grant extradition it is necessary that the offense has been committed in the territory of the State requesting it, or that its penal laws are applicable to it in accordance with the provisions of Book III of this Code.

Article 352. Extradition extends to persons accused or convicted as principals, accomplices, or abettors of a consummated offense.

Article 353. It is necessary that the act which gives rise to the extradition be a criminal offense in the legislation of the State making the request and in that upon which it is made.

Article 354. It shall be likewise necessary that the penalty attached to the alleged acts, according to their provisional or final description by the competent judge or court of the State requesting the extradition, is not less than one year of deprivation of liberty, and that the arrest or detention of the accused has been ordered or decided upon, in case final sentence has not been delivered. The sentence should be deprivation of liberty.

Article 355. Political offenses and acts related thereto, as defined by the requested State, are excluded from extradition.

Article 356. Nor shall it be granted, if it is shown that the request for extradition has been in fact made for the purpose of trying or punishing the accused for an offense of a political character in accordance with the same definition.

Article 357. Homicide or murder of the head of a contracting State or of any other person who exercises authority in said State, shall not be deemed a political offense nor an act related thereto.

Article 358. Extradition shall not be granted if the person demanded has already been tried and acquitted, or served his sentence, or is awaiting trial, in the territory of the requested State for the offense upon which the request is based.

Article 359. Nor should extradition be granted if the offense or the penalty is already barred by limitation by the laws of the requesting or requested State.

Article 360. In all cases in which the legislation of the requested State prevents extradition it is an indispensable requirement that such legislation be enacted before the commission of the crime.

Article 361. Consuls general, consuls, vice consuls, or consular agents may request the arrest and delivery on board of a vessel or aircraft of their country of the officers, sailors, or members of the crew of its war or merchant ships or aircraft who may have deserted therefrom.

Article 362. For the purposes of the preceding article, they shall exhibit to the proper local authority, delivering also to it an authenticated copy thereof, the register of the ship or aircraft, the crew list, or any other official document upon which the request is founded.

Article 363. In adjoining countries special rules may be agreed upon for extradition in the regions or localities of the boundary.

Article 364. The request for extradition should be made through agents duly authorized for this purpose by the laws of the petitioning State.

Article 365. Together with the final request for extradition the following should be submitted:

1. A sentence of conviction or a warrant or order of arrest or a document of equal force, or one which obliges the interested party to appear periodically before the criminal court, together with such parts of the record in the case as furnish proof or at least some reasonable evidence of the guilt of the person in question.
2. The filiation of the person whose extradition is requested, or such marks or circumstances as may serve to identify him.
3. An authenticated copy of the provisions establishing the legal definition of the act which gives rise to the request for extradition, describing the participation imputed therein to the defendant and prescribing the penalty applicable.

Article 366. The extradition may be requested by telegraph and, in that case the documents mentioned in the preceding article shall be presented to the requesting country or to its legation or consulate general in the requesting country, within two months following the detention of the accused. Otherwise he shall be set at liberty.

Article 367. Moreover, if the requesting State does not dispose of the person demanded within three months following his being placed at its disposal, he shall be set at liberty.

Article 368. The person detained may use, in the State to which the request for extradition is made, all legal means provided for its nationals for the purpose of regaining their freedom, basing the exercise thereof on the provisions of this Code.

Article 369. The person detained may also thereafter use the legal remedies which are considered proper in the State which requests the extradition, against the qualifications and resolutions upon which the latter is founded.

Article 370. The delivery should be made together with all the effects found in the possession of the person demanded, whether as proceeds of the alleged crime, or whether to be used as evidence, insofar as practicable in accordance with the laws of the State effecting the delivery and duly respecting the rights of third persons.

Article 371. The delivery of the effects referred to in the preceding article can be made, if requested by the State requesting the extradition, even though the detained person dies or escapes before it is effected.

Article 372. The expenses of detention and delivery shall be borne by the requesting State, but the latter shall not, in the meanwhile, have to defray any expenses for the services rendered by the public paid employees of the government from which extradition is requested.

Article 373. The charge for the services of such public employees or officers as receive only fees or perquisites shall not exceed their customary fees for their acts or services under the laws of the country in which they reside.

Article 374. All liability arising from the fact of a provisional detention shall rest upon the requesting State.

Article 375. The passage of the extradited person and his custodians through the territory of a third contracting State shall be permitted upon presentation of the original document which allows the extradition, or of an authenticated copy thereof.

Article 376. A State which obtains extradition of an accused who is afterwards acquitted shall be obliged to communicate to the State which granted it an authenticated copy of the judgment.

Article 377. The person delivered can not be detained in prison nor tried by the contracting State to which he is delivered for an offense different from the one giving rise to the extradition and committed prior thereto, unless it is done with the consent of the requested State, or unless the extradited person remains free in the territory of the former for three months after his trial and acquittal for the offense which gave rise to the extradition, or after having served the sentence of deprivation of liberty imposed upon him.

Article 378. In no case shall the death penalty be imposed or executed for the offense upon which the extradition is founded.

Article 379. Whenever allowance for temporary detention is proper, it shall be computed from the time of the detention of the extradited person in the State to which the request was made.

Article 380. The detained person shall be set free if the requesting State does not present the request for extradition in a reasonable period, within the least time possible after temporary arrest, taking into account the distance and facilities of postal communication between the two countries.

Article 381. If the extradition of a person has been refused, a second request on account of the same crime cannot be made.

DECLARATIONS AND RESERVATIONS MADE AT THE TIME OF
SIGNING THE BUSTAMANTE CODE

Reservations of the Argentine Delegation:

The Argentine Delegation places on record the following reservations which it formulates to the project of Convention of Private International Law, submitted to the consideration of the Sixth International Conference of American States:

1. It understands that the codification of Private International Law should be "gradual and progressive", especially as regards institutions which present in the American Republics identical or analogous fundamental features.

2. It ratifies the force of the Treaties of International Civil Law, of International Penal Law, of International Commercial Law and of International Procedural Law, approved at Montevideo in the year 1889, with their respective Conventions and Protocols.

3. It does not accept principles which modify the "law of domicile", especially as regards everything which opposes the text and spirit of Argentine civil legislation.

4. It does not approve provisions affecting directly or indirectly the principle upheld by the civil and commercial legislation of the Argentine Republic to the effect that "juristic persons owe their existence exclusively to the law of the State which authorizes them and are therefore neither national nor foreign; their functions are determined by said law, in accordance with the precepts derived from the 'domicile' which that law acknowledges to such persons."

5. It does not accept principles which admit or tend to approve divorces ad vinculum.

6. It accepts the system of the "unity of successions" with the limitation derived from the *lex rei sitae* as regards immovable property.

7. It accepts all principles tending to acknowledge in favor of women the same civil rights granted to adult males.

8. It does not approve those principles modifying the doctrine of *jus soli* as a means of acquiring nationality.

9. It does not accept precepts solving conflicts of "dual nationality" in a manner prejudicial to the exclusive application of *jus soli*.

10. It does not accept rules authorizing the intervention of diplomatic or consular agents in inheritance proceedings concerning foreigners, except such principles as have already been established in the Argentine Republic regulating such intervention.

11. As regards the regulation of bills of exchange and checks in general, it accepts no provisions which may modify the criteria accepted in previous world conferences, such as those of The Hague of 1919 and 1912.

12. It makes specific reservation of the application of the "law of the flag" to questions relating to maritime law, especially as regards the charter party and its legal effect, as it considers that these should be subject to the law and jurisdiction of the country of the port of destination.

This principle was successfully upheld by the Argentine branch of the International Law Association, at its 31st Session and is now one of the "Buenos Aires rules."

13. It reaffirms the principle that offenses committed on airships within the national aerial domain or on foreign merchant ships should be tried and punished by the authorities and the laws of the States where such ships may be found.

14. It ratifies the thesis, approved by the American Institute of International Law at its session of 1927 in Montevideo, to the effect that "the nationality of the accused cannot be invoked as a ground for refusing his extradition."

15. It does not accept the principles regulating international labor questions on the juridical status of laborers, for the reasons it submitted at the sessions of the International Commission of Jurists of Rio de Janeiro in 1927, when Article 198 of the project of Convention of International Civil Law was being discussed.

The Argentine Delegation reiterates what it has heretofore declared at the meetings of Committee No. 3 that it ratifies in the Sixth International Conference of American States the votes cast and the attitude assumed by the Argentine Delegation at the sessions of the International Commission of Jurists held in Rio de Janeiro during the months of April and May, 1927.

Declaration of the Delegation of the United States of America:

The Delegation of the United States of America regrets very much that it is unable at the present time to approve the Code of Dr. Bustamante, as in view of the Constitution of the United States of America, the relations among the States members of the Union and the powers and functions of the Federal Government, it finds it very difficult to do so. The Government of the United States of America firmly maintains its intention not to dissociate itself from Latin America, and therefore, in accordance with Article Six of the Convention which permits any Government to adhere later thereto, it will make use of the privilege extended by this article in order that, after carefully studying the Code in all its provisions, it may be enabled to adhere to at least a large portion thereof. For these reasons, the Delegation of the United States of America reserves its vote in the hope, as has been stated, of adhering partly or to a considerable number of the Code's provisions.

Declaration of the Delegation of Uruguay:

The Delegation of Uruguay formulates reservations to the end that its position be consistent with that held in the International Commission of Jurists at Rio de Janeiro by Doctor Pedro Varela, professor in the Faculty of Law at the University in Uruguay. At the same time the Delegation declares that Uruguay gives its approval to the Code as a whole.

Reservations of the Delegation of Paraguay:

1. The Delegation declares that Paraguay maintains its adhesion to the Treaties of International Civil Law, International Commercial Law, International Penal Law, and International Procedural Law which were approved at Montevideo in 1888 and 1889, together with the Conventions and Protocols attached thereto.

2. It does not agree to modify the system of the "law of the domicile", sanctioned by the civil legislation of the Republic.

3. It maintains adhesion to the principle of its internal legislation that juristic persons owe their existence exclusively to the law of the State which authorizes them and are, therefore, neither national nor foreign; their functions are determined by special law, pursuant to the principles arising from the domicile.

4. It accepts the system of the "unity of successions" with the limitation derived from the *lex rei sitae* as regards immovable property.

5. It is in accord with every principle tending to recognize in favor of women, the same civil rights conferred upon adult males.

6. It does not accept principles which may modify the system of *jus soli* as a means of acquiring nationality.

7. It does not agree to precepts which solve the problem of "dual nationality" with prejudice to an exclusive application of the *jus soli*.

8. It adheres to the criteria, accepted in world conferences, relative to the regulation of bills of exchange and checks.

9. It makes a reservation as to the application of the "law of the flag" on matters relative to maritime law.

10. It agrees that crimes committed on airships within the aerial national domain, or on foreign merchant ships, should be tried by the courts of the State where such ships may happen to be.

Reservation of the Delegation of Brazil:

The substitute amendment it proposed to Article 53 having been rejected, the Delegation of Brazil withholds its approval of Article 52, which gives jurisdiction to the law of the matrimonial domicile for regulating separation and divorce; and likewise of Article 54.

Declaration of the Delegations of Colombia and of Costa Rica:

The Delegations of Colombia and of Costa Rica subscribe to the Code of Private International Law as a whole with the express reservation as to everything which may be in contradiction with the Colombian or Costa Rican legislations.

With respect to juristic persons, our view is that they should be subject to the local law as regards everything relating to their "concept and recognition", as wisely provided by Article 32 of the Code, in contradiction, —at least apparently— with other provisions thereof, such as Articles 16 to 21.

For the undersigned Delegations, juristic persons can not have any nationality either under scientific principles or in the view of the highest and most permanent interests of America. It would have been preferable that in this code which we are going to enact, there should have been omitted everything which might serve to assert that juristic persons, particularly those with capital stock, have nationality.

The undersigned Delegations, upon accepting the compromise set forth in Article 7 between the European doctrine of the personality of the law and the genuinely American doctrine of domicile for regulating the civil status and capacity of persons in private international law, declare that they accept this compromise in order not to delay the issuance of this Code, to which all the nations of America are looking forward as one of the most transcendental accomplishments of this Conference; but the subscribing Delegations emphatically assert that such a compromise should be transitory because juridical unity must be accomplished in the continent around the law of the domicile, the only one which effectively safeguards the sovereignty and independence of the peoples of America. Immigration countries, as these Republics are or will be, cannot but regard with the greatest concern that European immigrants should bring with them the pretension of invoking in America their own laws of origin, to determine here their civil status as to contractual capacity. To accept this possibility (which is sanctioned by the principle of national law, partially acknowledged in the Code), amounts to creating in America a State within a State and to placing ourselves almost under the capitulation regime which Europe imposed during centuries on the nations of Asia, which she considered as inferior in their international relations. The undersigned Delegations earnestly hope that very soon there will disappear from the American legislations all traces of theories (more political than legal) favored by Europe in order to preserve her jurisdiction over her nationals, who have established themselves in these free lands of America, and they hope that the legislation of the continent will be unified in accordance with the principles that subject alien immigrants to the unrestricted force of the local laws. With the hope, therefore, that very soon the doctrine of the domicile will be the one to regulate in America the civil status and capacity of

persons, and feeling assured that it will constitute one of the most characteristic aspects of juridical Pan Americanism, which we are all anxious to create, the undersigned Delegations vote in favor of the Code of Private International Law and accept the doctrinary compromise on which it is inspired.

As regards the provisions relative to divorce, the Delegation of Colombia formulates its unqualified reservation to the regulation of divorce by the law of the matrimonial domicile, because it considers that for such purpose and in view of the exceptionally transcendental and sacred character of marriage (basis of society and of the State itself) Colombia cannot accept the application within her territory of alien laws.

The subscribing Delegations also desire to record their enthusiastic admiration for the fruitful efforts of Dr. Sánchez de Bustamante which this Code embodies in its five hundred articles, formulated in clear-cut phrases, which can well serve as models for the legislators of all countries. From this day on Dr. Sánchez de Bustamante will not only be one of the most eminent sons of Cuba, but also one of the foremost citizens of the great American fatherland which can justly feel proud of raising egregious scientists and statesmen like the author of the Code of Private International Law which we have considered, and which the Sixth International Conference of American States is about to sanction on behalf of all the Americas.

Reservations of the Delegation of El Salvador:

First Reservation: Especially applicable to Articles 44, 146, 176, 232, and 233.

With respect to the incapacities to which aliens may be subjected in accordance with their personal law for disposing by will, for entering into contracts, for appearing in court, and for engaging in commerce or participating in commercial transactions or contracts, the reservation is made that said incapacities will not be acknowledged in El Salvador in cases where the transactions or contracts in question have been executed in El Salvador without contravention of the Salvadorean Law and to take effect within its national territory.

Second Reservation: Applicable to Article 187, last paragraph.

As to community of property imposed upon spouses by their personal law under the legislation of a foreign state, it will be recognized in El Salvador only if confirmed by contract between the interested parties and all requirements which the Salvadorean law now provides or may hereafter provide with respect to property located in El Salvador are complied with.

Third Reservation: Especially applicable to Articles 327, 328, and 329.

The Delegation of El Salvador makes the reservation that insofar as El Salvador is concerned the jurisdiction of foreign judges or tribunals in

inheritance hearings and proceedings and in creditors' suits and bankruptcy cases affecting immovables located in El Salvador, will be unacceptable.

Reservations of the Delegation of the Dominican Republic:

1. The Delegation of the Dominican Republic desires to maintain the supremacy of its national law in all questions relating to the status and capacity of the Dominicans wherever they may be, and for this reason it cannot accept, except with reservations, those provisions of the project of Code which accord supremacy to the "law of the domicile" or to the local law: all this notwithstanding the conciliatory principle set forth in Article 7 of the project and of which Article 53 of the same is an application.

2. As regards nationality, Title I, Book I, Articles 9 et sequa, we formulate a reservation with respect, first, to the nationality of juristic persons, and second, in a special manner, regarding the general principle of our political Constitution in accordance with which no other nationality shall be acknowledged to any Dominican citizen except that of the Dominican Republic as long as he resides in its territory.

3. With reference to the domicile of foreign juristic persons, whichever may be their charters and whatever the place where they may have established their domicile, wherever their principal office may be located, et cetera, we make reservation of the following principle of public order in the Dominican Republic: any physical or moral person conducting activities of a juridical nature within its territory shall have for its domicile the place where it keeps an establishment, an agency, or any representative whatsoever. This domicile attributes jurisdiction to the national tribunals in those juridical relations concerning acts which have taken place in the country, whatever their nature may be.

Declaration of the Delegation of Ecuador:

The Delegation of Ecuador has the honor to subscribe in its entirety the Convention of the Code of Private International Law, in homage to Dr. Bustamante. It does not deem it necessary to set forth any reservation, preserving only the general power, provided in the Convention itself, which leaves the Governments at liberty to ratify it.

Declaration of the Delegation of Nicaragua:

The Republic of Nicaragua will be unable to apply the provisions of the Code of Private International Law which may be in conflict with

the Canon Law in matters which now or in the future Nicaragua may consider to be subject to such Canon Law.

The Nicaraguan Delegation declares, as it has previously done several times verbally throughout the discussions, that some of the provisions of the approved Code are in disagreement with express provisions of the legislation of Nicaragua or with principles which form the basis of such legislation; but, as deserved homage to the notable work of the illustrious author of this Code, it chooses, instead of formulating the corresponding reservations, to make these declarations and to leave to the public authorities of Nicaragua the formulation of such reservations or the modification, as far as possible, of the national legislation, in cases of conflict.

Declaration of the Delegation of Chile:

The Delegation of Chile is pleased to offer its warmest congratulations to the eminent and learned jurist of America, Dr. Antonio Sánchez de Bustamante, for the great work he has done in drafting a project of Code of Private International Law, destined to regulate the relations among the Republics of America. This work is a precious contribution to the furthering of juridical Pan Americanism, which all countries of the New World desire to see strengthened and developed. Although this great task of codification cannot be accomplished in a brief span of time, because it needs mature thought on the part of the States which are to participate in it, the Delegation of Chile will not be an obstacle to the approval of a Code of Private International Law by this Pan American Conference; but it will reserve its vote on such matters and questions as it may deem advisable, especially those points relating to the traditional policy or legislation of Chile.

Declaration of the Delegation of Panama:

When casting its vote in favor of the Project of Code of Private International Law at the meeting of the Committee held on January 27th ultimo, the Delegation of the Republic of Panama stated that at an opportune time it would present such reservations as it might deem necessary, should the need arise. This attitude of the Delegation of Panama was due to certain doubts it entertained with reference to the meaning and scope of some of the provisions contained in the Project, particularly as regards the application of the national law to foreigners residing in the country, as this would have given rise to a real conflict, because in the Republic of Panama ever since its establishment as an independent nation, the system of the territorial law has been in force. However, the Delegation of Panama considers that all the difficulties which could possibly arise in this delicate matter have been foreseen

and wisely obviated by Article 7 of the Project, in accordance with which "each contracting State shall apply as personal law that of the domicile or that of the nationality, or that which its domestic legislation may have prescribed or may hereafter prescribe". As in the case of all other States subscribing and ratifying the Convention, Panama, therefore, will be at full liberty to apply its own law, which is the territorial law.

With matters so understood, it is highly gratifying for the Delegation of Panama to declare, as it does, that it extends its approval without reservations of any kind to the Project of Code of Private International Law, or Bustamante Code, as it should be called in honor of its author.

Declaration of the Delegation of Guatemala:

Guatemala has incorporated into its civil legislation the doctrine of domicile, but even if such were not the case, the conciliatory articles of the Code harmonize perfectly any conflict which might arise between different States due to their affiliation with diverse schools.

In consequence, therefore, the Delegation of Guatemala is in perfect accord with the method which, with so much wisdom, caution, ingenuity, and scientific judgment, is set forth in the Project of Code of Private International Law, and it desires to leave express record of its absolute acceptance of the latter without reservations of any kind.

RESERVATIONS MADE AT THE TIME OF RATIFYING THE BUSTAMANTE CODE

Bolivia:

With the reservations formulated by the Bolivian Delegation, with respect to articles not in accord with the legislation of the country and international treaties signed by Bolivia.

Brazil:

With reservations made at the time of signing.

Chile:

With the reservation formulated by the Delegates of Chile, and

also that, in Chilean law and with relation to conflicts that may appear between Chilean legislation and any foreign legislation, the provisions of the present or future legislation of Chile shall prevail over said Code, in case of disagreement.

Costa Rica:

With the reservations made by the Delegation of Costa Rica, it being understood that such reservations refer not only to our present legislation but also to any future legislation.

Dominican Republic:

With reservations made at the time of signing.

Ecuador:

Insofar as it is not opposed to the Constitution and Laws of the Republic.

El Salvador:

The Convention is approved with the following reservations:

First: Especially applicable to Articles 44, 146, 176, 232, and 233:

With respect to the incapacities to which aliens may be subjected in accordance with their personal law for disposing by will, for entering into contracts, for appearing in court, and for engaging in commerce or participating in commercial transactions or contracts, the reservation is made that said incapacities will not be acknowledged in El Salvador in cases where the transactions or contracts have been executed in El Salvador without contravention of the Salvadorean law and to take effect within its national territory.

· Second: Applicable to Article 187, last paragraph:

As to community of property imposed upon spouses by their personal law under the legislation of a foreign state, it will be recognized in El Salvador only if confirmed by contract between the interested parties and all requirements which the Salvadorean law now provides or may hereafter provide with respect to property located in El Salvador are complied with.

Third: Especially applicable to Articles 327, 328, and 329:

Insofar as El Salvador is concerned, the jurisdiction of foreign

judges or tribunals in inheritance hearings and proceedings and in creditors' suits and bankruptcy cases affecting immovables located in El Salvador, will be unacceptable.

Fourth: The Republic of El Salvador does not renounce its legislative power to prescribe in the future the laws or provisions that it believes convenient on the subjects of private international law contained in the Bustamante Code; and

Fifth: It considers the Convention on Private International Law as a body of juridical doctrine of great value in jurisprudence, but deems it to be as yet of insufficient force to prevail over the express provisions of the Salvadorean law in every matter in which that body of doctrine contradicts or modifies them.

This approval does not restrict the legislative power of El Salvador to prescribe in the future the laws or provisions that it believes convenient on the subjects of private international law contained in the Bustamante Code; and

In the event that the juridical doctrines contained in the said Convention are at variance with or modify in any way the laws of El Salvador, they shall not prevail over said laws.

Haiti:

With reservations as to Articles 383, 385, 386, and 387 of said Code.

Venezuela:

Venezuela reserves acceptance of Articles 16, 17, 18, 24, 35, 39, 43, 44, 49, 50, 57, 58, 62, 64, 65, 67, 70, 74, 87, 88, 139, 144, 157, 174, 247, 248, 301, 324, 348, 360, 378, and from 423 to 435.

Since in Venezuela there is no life imprisonment, exception is taken concerning this point.

CONVENTION ON PRIVATE INTERNATIONAL LAW
(BUSTAMANTE CODE)

(Signed in Havana on February 20, 1928, at the Sixth
International Conference of American States)

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|---------------------------------|--|
| Argentina ¹ | |
| Bolivia | March 9, 1932 ¹ |
| Brazil ¹ | August 3, 1929 ¹ |
| Chile ¹ | September 6, 1933 ¹ |
| Colombia ¹ | |
| Costa Rica ¹ | February 27, 1930 ¹ |
| Cuba | April 20, 1928 |
| Dominican Republic ¹ | March 12, 1929 ¹ |
| Ecuador ¹ | May 31, 1933 ¹ |
| El Salvador ¹ | November 16, 1931 ¹ |
| Guatemala | November 9, 1929 |
| Haiti | February 6, 1930 ¹ |
| Honduras | May 20, 1930 |
| Mexico | |
| Nicaragua ¹ | February 28, 1930 |
| Panama | October 26, 1928 |
| Paraguay ¹ | |
| Peru | August 19, 1929 |
| Uruguay ¹ | |
| Venezuela | March 12, 1932 ¹ |

1. With reservations.

The original instrument is deposited with the Ministry of State of Cuba. The Pan American Union is the depository of the instruments of ratification.

It enters into force with respect to each State that ratifies it thirty days after the deposit of its ratification.

CONVENTION ON POLITICAL ASYLUM

(Signed at Montevideo, December 26, 1933 at the Seventh International Conference of American States)

Bibliography: (1) International Legislation, Manley O. Hudson, Carnegie Endowment for International Peace, 1937, Vol. 6, 1932-1934, Nos. 304-401, page 607. (2) International Conferences of American States, Carnegie Endowment for International Peace, 1933-1940, page 116. (3) Law and Treaty Series No. 37, Treaties and Conventions Signed at the Seventh International Conference of American States, Montevideo, 1933, Pan American Union, 1952, page 48.

The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on Political Asylum, to define the terms of the one signed at Havana, have appointed the following Plenipotentiaries:

[Here follow the names of the Plenipotentiaries.]

Who, after having exhibited their full powers, which were found in good and due form, have agreed upon the following:

Article 1. In place of Article 1 of the Convention of Havana on Right of Asylum, of February 20, 1928, the following is substituted: "It shall not be lawful for the States to grant asylum in legations, warships, military camps, or airships to those accused of common offenses who may have been duly prosecuted or who may have been sentenced by ordinary courts of justice, nor to deserters of land or sea forces.

"The persons referred to in the preceding paragraph who find refuge in some of the above-mentioned places shall be surrendered as soon as requested by the local government".

Article 2. The judgment of political delinquency concerns the State which offers asylum.

Article 3. Political asylum, as an institution of humanitarian character, is not subject to reciprocity. Any man may resort to its protection,

whatever his nationality, without prejudice to the obligations accepted by the State to which he belongs; however, the States that do not recognize political asylum, except with limitations and peculiarities, can exercise it in foreign countries only in the manner and within the limits recognized by said countries.

Article 4. When the withdrawal of a diplomatic agent is requested because of the discussions that may have arisen in some case of political asylum, the diplomatic agent shall be replaced by his government, and his withdrawal shall not determine a breach of diplomatic relations between the two States.

Article 5. The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

Article 6. The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified 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, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article 7. The present Convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratification.

Article 8. The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

Article 9. The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

In witness whereof, the following Plenipotentiaries have signed this Convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

[Here follow the signatures of the Plenipotentiaries.]

DECLARATION

Since the United States of America does not recognize or subscribe to, as part of international law, the doctrine of asylum, the delegation of the United States of America refrains from signing the present Convention on Political Asylum.

CONVENTION ON POLITICAL ASYLUM

(Signed at Montevideo, December 26, 1933 at the
Seventh International Conference of American States)

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|---------------------------------|--|
| Argentina | |
| Brazil | February 23, 1937 |
| Chile | March 28, 1935 |
| Colombia | July 22, 1936 |
| Costa Rica ¹ | June 10, 1954 |
| Cuba | January 17, 1951 |
| Dominican Republic ² | December 26, 1934 ² |
| Ecuador | August 11, 1955 |
| El Salvador | January 9, 1937 |
| Guatemala | July 3, 1935 |
| Haiti ³ | March 13, 1952 ³ |
| Honduras | February 15, 1936 |
| Mexico | January 27, 1936 |
| Nicaragua | February 4, 1953 |
| Panama | December 13, 1938 |
| Paraguay | October 28, 1948 |
| Peru | March 9, 1960 |
| Uruguay | |

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1. Adhered.
 2. Denounced on October 6, 1954. The Dominican Republic has also denounced the Convention on Asylum signed at the Sixth Conference of Havana in 1928.
 3. Haiti denounced this convention on August 1, 1967. The denunciation will take effect on August 2, 1968. Haiti has also denounced the Convention on Territorial Asylum and the Convention on Diplomatic Asylum signed at the Tenth Conference at Caracas in 1954, as well as the Convention on Asylum signed at the Sixth Conference at Havana in 1928.

The original instrument is deposited with the Ministry of Foreign Affairs of Uruguay. The Pan American Union is the depository of the instruments of ratification. The Convention entered into force on March 28, 1935, when Chile became the second country to deposit its ratification.

CONVENTION ON EXTRADITION

(Signed at Montevideo, December 26, 1933
at the Seventh International Conference of American States)

Bibliography: (1) International Legislation, Manley O. Hudson, Carnegie Endowment for International Peace, 1937, Vol. VI, 1932-1934, Numbers 304-401, page 597. (2) Law and Treaty Series No. 37, Pan American Union, 1952, page 24.

The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on Extradition, have appointed the following Plenipotentiaries:

Here follow the names of the Plenipotentiaries

Who, after having exhibited their Full Powers, which were found in good and due form, have agreed upon the following:

Article 1. Each one of the signatory States in harmony with the stipulations of the present Convention assumes the obligation of surrendering to any one of the States which may make the requisition, the persons who may be in their territory and who are accused or under sentence. This right shall be claimed only under the following circumstances:

a) That the demanding State have the jurisdiction to try and to punish the delinquency which is attributed to the individual whom it desires to extradite.

b) That the act for which extradition is sought constitutes a crime and is punishable under the laws of the demanding and surrendering States with a minimum penalty of imprisonment for one year.

Article 2. When the person whose extradition is sought is a citizen of the country to which the requisition is addressed, his delivery may or may not be made, as the legislation or circumstances of the case may, in the judgment of the surrendering State, determine. If the accused is not surrendered, the latter State is obliged to bring action

against him for the crime with which he is accused, if such crime meets the conditions established in sub-article (b) of the previous article. The sentence pronounced shall be communicated to the demanding State.

Article 3. Extradition will not be granted:

a) When, previous to the arrest of the accused person, the penal action or sentence has expired according to the laws of the demanding or the surrendering State.

b) When the accused has served his sentence in the country where the crime was committed or when he may have been pardoned or granted an amnesty.

c) When the accused has been or is being tried by the State to which the requisition was directed for the act with which he is charged and on which the petition of extradition is based.

d) When the accused must appear before any extraordinary tribunal or court of the demanding State (tribunal o juzgado de excepción del Estado requeriente). Military courts will not be considered as such tribunals.

e) When the offense is of a political nature or of a character related thereto. An attempt against the life or person of the Chief of State or members of his family, shall not be deemed to be a political offense.

f) When the offense is purely military or directed against religion.

Article 4. The determination of whether or not the exceptions referred to in the previous article are applicable shall belong exclusively to the State to which the request for extradition is addressed.

Article 5. A request for extradition should be formulated by the respective diplomatic representative. When no such representative is available, consular agents may serve, or the governments may communicate directly with one another. The following documents in the language of the country to which the request for extradition is directed, shall accompany every such request:

a) An authentic copy of the sentence, when the accused has been tried and condemned by the courts of the demanding State.

b) When the person is only under accusation, an authentic copy of the order of detention issued by the competent judge, with a precise description of the imputed offense, a copy of the penal laws applicable thereto, and a copy of the laws referring to the prescription of the action or the penalty.

c) In the case of an individual under accusation as also of an individual already condemned, there shall be furnished all possible information of a personal character which may help to identify the individual whose extradition is sought.

Article 6. When a person whose extradition is sought shall be under trial or shall be already condemned in the State from which it is sought to extradite him, for an offense committed prior to the request for extradition, said extradition shall be granted at once, but the surrender of the accused to the demanding State shall be deferred until his trial ends or his sentence is served.

Article 7. When the extradition of a person is sought by several States for the same offense, preference will be given to the State in whose territory said offense was committed. If he is sought for several offenses, preference will be given to the State within whose bounds shall have been committed the offense which has the greatest penalty according to the law of the surrendering State.

If the case is one of different acts which the State from which extradition is sought esteems of equal gravity, the preference will be determined by the priority of the request.

Article 8. The request for extradition shall be determined in accordance with the domestic legislation of the surrendering State and the individual whose extradition is sought shall have the right to use all the remedies and resources authorized by such legislation, either before the judiciary or the administrative authorities as may be provided for by the aforesaid legislation.

Article 9. Once a request for extradition in the form indicated in Article 5 has been received, the State from which the extradition is sought will exhaust all necessary measures for the capture of the person whose extradition is requested.

Article 10. The requesting State may ask, by any means of communication, the provisional or preventive detention of a person, if there is, at least, an order by some court for his detention and if the State at the same time offers to request extradition in due course. The State from which the extradition is sought will order the immediate arrest of the accused. If within a maximum period of two months after the re-

requesting State has been notified of the arrest of the person, said State has not formally applied for extradition, the detained person will be set at liberty and his extradition may not again be requested except in the way established by Article 5.

The demanding State is exclusively liable for any damages which might arise from the provisional or preventive detention of a person.

Article 11. Extradition having been granted and the person requested put at the disposition of the diplomatic agent of the demanding State, then, if, within two months from the time when said agent is notified of same, the person has not been sent to his destination, he will be set at liberty, and he cannot again be detained for the same cause.

The period of two months will be reduced to forty days when the countries concerned are conterminous.

Article 12. Once extradition of a person has been refused, application may not again be made for the same alleged act.

Article 13. The State requesting the extradition may designate one or more guards for the purpose of taking charge of the person extradited, but said guards will be subject to the orders of the police or other authorities of the State granting the extradition or of the States in transit.

Article 14. The surrender of the person extradited to the requesting State will be done at the most appropriate point on the frontier or in the most accessible port, if the transfer is to be made by water.

Article 15. The objects found in the possession of the person extradited, obtained by the perpetration of the illegal act for which extradition is requested, or which might be useful as evidence of same, will be confiscated and handed over to the demanding country, notwithstanding it might not be possible to surrender the accused because of some unusual situation such as his escape or death.

Article 16. The costs of arrest, custody, maintenance, and transportation of the person, as well as of the objects referred to in the preceding article, will be borne by the State granting the extradition up to the moment of surrender and from thereon they will be borne by the demanding State.

Article 17. Once the extradition is granted, the demanding State undertakes:

a) Not to try nor to punish the person for a common offense which was committed previous to the request for extradition and which has not been included in said request, except only if the interested party expressly consents.

b) Not to try nor to punish the person for a political offense, or for an offense connected with a political offense, committed previous to the request for extradition.

c) To apply to the accused the punishment of next lesser degree than death if according to the legislation of the country of refuge the death penalty would not be applicable.

d) To furnish to the State granting the extradition an authentic copy of the sentence pronounced.

Article 18. The signatory States undertake to permit the transit through their respective territories of any person whose extradition has been granted by another State in favor of a third, requiring only the original or an authentic copy of the agreement by which the country of refuge granted the extradition.

Article 19. No request for extradition may be based upon the stipulations of this Convention if the offense in question has been committed before the ratification of the Convention is deposited.

Article 20. The present Convention will be ratified by means of the legal forms in common use in each of the signatory States, and will come into force, for each of them, thirty days after the deposit of the respective ratification.

The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified 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, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

Article 21. The present Convention does not abrogate or modify the bilateral or collective treaties, which at the present date are in force between the signatory States. Nevertheless, if any of said treaties lapse, the present Convention will take effect and become applicable immediately among the respective States, if each of them has fulfilled the

stipulations of the preceding article.

Article 22. The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

Article 23. The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union, which shall communicate them to the other High Contracting Parties.

In witness whereof, the following Plenipotentiaries have signed this convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

⌈Here follow the signatures of the Plenipotentiaries⌋

RESERVATIONS MADE AT THE TIME OF SIGNING

United States:

The Delegation of the United States of America, in signing the present Extradition Convention, reserves the following articles:

Article 2. (second sentence, English text);

Article 3. paragraph d;

Articles 12, 15, 16 and 18.

El Salvador:

Reservation to the effect that El Salvador, although it accepts in general principle Article XVIII of the Inter-American Treaty of Extradition, concretely stipulates the exception that it cannot cooperate in the surrender of its own nationals, prohibited by its Political Constitution, by permitting the transit through its territory of said nationals when one foreign State surrenders them to another.

Mexico:

Mexico signs the Convention on Extradition with the declaration with respect to Article 3, paragraph f, that the internal legislation of Mexico does not recognize offenses against religion. It will not sign the optional clause of this Convention.

Ecuador:

The Delegation from Ecuador, in dealing with the Nations with which Ecuador has signed Conventions on Extradition, accepts the stipulations herein established in all respects which are not contrary to said Conventions.

OPTIONAL CLAUSE OF THE CONVENTION ON EXTRADITION

(Opened for signature at Montevideo, December 26, 1933,
at the Seventh International Conference of American States)

Bibliography: (1) International Legislation, Manley O. Hudson, Vol. VI, 1932-1934, Carnegie Endowment for International Peace, 1937, page 607. (2) International Conferences of American States. Carnegie Endowment for International Peace. 1933-1940, page 115. (3) Law and Treaty Series No. 37. Treaties and Conventions Signed at the Seventh International Conference of American States, Montevideo, 1933, Pan American Union, 1952, page 44.

The States signing this clause, notwithstanding Article 2 of the preceding Convention on Extradition, agree among themselves that in no case will the nationality of the criminal be permitted to impede his extradition.

The present clause is open to those States signing said Treaty of Extradition, which desire to be ruled by it in the future, for which purpose it will be sufficient to communicate their adherence to the Pan American Union.

∟Here follow the signatures of the Delegates
of Argentina and Uruguay∟

RESERVATIONS MADE AT THE TIME OF RATIFICATION

Chile:

√This Government ratified the Convention,√ with the reservation that the Republic of Chile can apply previous extradition conventions still in force, the stipulations of which shall be found to be in disagreement with the said Convention; and with the /further/ reservation that Article 15 of the same Convention cannot apply against the rights of third parties.

Ecuador:

With the reservation made at the time of signing.

El Salvador:

√This Government ratified the Convention,√ adding to Article 18, the following paragraph: "Except in the case of a national, whatever the crime for which he is extradited, or in that of a foreigner if his extradition is the result of an act having the character of a Political Offense, or a Civil Offense of a related nature."

United States of America:

√This Government ratified the Convention with the following reservations:√ that Article 2, paragraph d of Article 3, and Articles 12, 15, 16 and 18 are reserved from the Convention as declared by the United States delegation, and that such articles and paragraphs shall not be binding upon the United States of America unless and until subsequently ratified in accordance with the Constitution of the United States of America.

Honduras:

√This Government ratified the Convention with the following reservations:√ In regard to Article 18, the Government of Honduras does not consider itself obliged to allow the transit through its territory of an individual whose extradition has been agreed to, by another State, in favor of a third State, when such person is of Honduran nationality; and in respect of the optional clause, the Government of Honduras refrains from giving its approval.

Mexico:

With the reservation made at the time of signing.

CONVENTION ON EXTRADITION

(Signed at Montevideo on December 26, 1933
at the Seventh International Conference of American States)

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|--------------------------------|--|
| Argentina | April 19, 1956 |
| Brazil | |
| Chile | July 2, 1935 ¹ |
| Colombia | July 22, 1936 |
| Cuba | |
| Dominican Republic | December 26, 1934 |
| Ecuador ¹ | October 3, 1936 ¹ |
| El Salvador ¹ | January 9, 1937 ¹ |
| Guatemala | July 17, 1936 |
| Haiti | |
| Honduras | November 27, 1937 ¹ |
| Mexico ¹ | January 27, 1936 ¹ |
| Nicaragua | November 10, 1952 |
| Panama | December 13, 1938 |
| Paraguay | |
| Peru | |
| United States ¹ | July 13, 1934 ¹ |
| Uruguay | |

1. With reservations.

The original instrument is deposited with the Ministry of Foreign Affairs of Uruguay. The Pan American Union is the depository of the instruments of ratification. The Convention entered into force thirty days from the date of deposit of the second ratification, which took place on December 26, 1934, when the Dominican Republic deposited its ratification.

CENTRAL AMERICAN CONVENTION ON EXTRADITION *

(Signed at Guatemala City, April 12, 1934)

Bibliography: Manley O. Hudson, International Legislation, Carnegie Endowment for International Peace, 1937, Vol. VI, 1932-1934, Numbers 304-401, page 833.

The Governments of the Republics of Guatemala, Costa Rica, Honduras, Nicaragua, and El Salvador, desiring to confirm their friendly relations and to promote the cause of justice, have resolved to celebrate a Convention for the Extradition of Fugitives from Justice, and, to that end, have named as delegates:

/Here follow the names of the delegates/

Who, after having communicated to one another their respective full powers which were found to be in good and due form, have agreed to carry out the said purpose in the following manner:

Article 1. The Contracting Republics agree to deliver up reciprocally the individuals who may take refuge in the territory of one of them and who in the other may have been condemned, as authors, accomplices or abettors of a crime, to not less than two years of deprivation of their liberty, or who may have been indicted for a crime which, in accordance with the laws of the country seeking the extradition, carries a penalty equal to or greater than that above stated.

* Supersedes the conventions signed at Washington, D. C. in 1907 (See Br. and For. St. Papers, page 848) and in 1923 (See Manley O. Hudson, International Legislation, Carnegie Endowment for International Peace, 1931, Vol. II, 1922-1924, Numbers 65-133, page 954.) The Pan American Union has no information on the ratification of this convention.

Article 2. Extradition shall not be granted in any of the following cases:

1. When the evidence of criminality presented by the country seeking extradition would not have been sufficient to justify, according to the laws of the place where the accused fugitive from justice is found, his apprehension and commitment for trial, if the offense had been committed there.

2. When the offense is of a political character, or, being a common crime, is connected therewith.

3. When under the laws of the country seeking extradition or of that of asylum, the action or the penalty has been barred.

4. If the accused demanded should have already been tried and sentenced for the same offense in the Republic wherein he resides.

5. If the accused should have served the sentence which may have been imposed upon him for the same crime in any other country.

6. If, in that country, the act for which extradition is asked is not considered a crime.

7. When the penalty corresponding to the crime for which extradition is requested shall be that of death, unless the Government seeking extradition binds itself to apply the next lower penalty.

Article 3. The person whose extradition is conceded, because of one of the crimes mentioned in Article 1, shall in no case be tried and punished in the country to which he is surrendered for a political crime committed before his extradition nor for an act which may have connection with a political crime. Attempts against the life of the head of a government or public functionaries and anarchistic attacks shall not be considered political crimes, provided that the law of the country seeking extradition and of the country of which extradition is requested shall have fixed a penalty for said acts. In that case extradition shall be granted, even when the crime in question shall carry a penalty of less than two years of deprivation of liberty.

Article 4. The Contracting Parties shall not be obliged to deliver their nationals; but they must try them for the infractions of the Penal Code committed in any of the other Republics. The respective Governments must communicate the corresponding proceedings, information and documents, and deliver the articles which constitute the corpus

delicti, furnishing everything that may contribute to the elucidation needed for the expedition of the trial. This having been done, the case shall be prosecuted until its determination, and the Government of the country of the trial shall inform the other of the final result.

Article 5. If the individual whose extradition is sought should have been indicted or should have been found guilty in the country of his asylum for a crime committed therein, he shall not be delivered except after having been acquitted by a final judgment, and in case of his conviction after he has served the sentence or has been pardoned.

Article 6. If the fugitive whose extradition is requested by one of the Contracting Parties should also be sought by one or more Governments he shall be delivered in preference to the one first making the requisition.

Article 7. Request for the delivery of fugitives shall be made by the respective diplomatic agents of the Contracting Parties and, in default of the latter, by consular officers.

In urgent cases the provisional detention of the accused may be requested by means of telegraphic or postal communication, addressed to the Ministry of Foreign Affairs, or through the respective diplomatic agent, or in his absence, through the consul. The provisional arrest shall be made according to the rules established by the laws of the country of which extradition is requested; but shall cease if the request for extradition has not been formally presented within the term of one month following the arrest.

Article 8. The request for extradition shall specify the proof or presumptive evidence which, by the laws of the country wherein the crime has been committed, shall be sufficient to justify the apprehension and commitment of the accused. The judgment, indictment, warrant of arrest, or any other equivalent document shall also accompany the same; and the nature and gravity of the acts charged and the provisions of the penal codes which are applicable thereto must be indicated. In case of flight after having been found guilty and before serving the entire sentence, the request for extradition shall express the circumstance and shall be accompanied only by the judgment.

Article 9. The proper authority shall apprehend the fugitive, in order that he may be brought before the competent judicial authority for examination. Should it be decided, according to the laws and the evidence presented, that the surrender can be carried out in conformity with this Convention, the fugitive shall be delivered in the manner prescribed by law in such cases.

The country seeking extradition shall take the necessary measures to receive the accused within one month from the date when the latter shall have been placed at its disposal, and if said Government should fail to do so, the aforesaid accused may be released.

Article 10. The person delivered cannot be tried nor punished in the country to which his extradition has been granted, nor delivered to a third country, for a crime not included in this Convention, and committed before his surrender, unless the Government which makes the surrender consents to the trial, or to the delivery to said third nation.

Nevertheless this consent shall not be necessary:

1. When the accused may voluntarily have requested that he be tried or delivered to the third nation;
2. When he may have been at liberty to leave the country for thirty days after his release, on the ground of the lack of foundation in the charge for which he was surrendered, or, in case of conviction, a term of thirty days after serving his sentence or obtaining a pardon.

Article 11. The expenses of arrest, maintenance, and travel of the extradited person, as well as of the delivery and transportation of the articles which, because of their connection with the crime, have to be returned or forwarded, shall be borne by the Government seeking extradition.

Article 12. All the objects found in the possession of the accused and obtained through the commission of the act of which he is accused, or that may serve as evidence of the crime on account of which extradition is requested, shall be confiscated and delivered with his person upon order of competent authority of the country from which extradition is sought. Nevertheless the rights of third parties concerning these articles shall be respected, and delivery thereof shall not be made until the question of ownership has been determined.

Article 13. In all cases of detention the fugitive shall be acquainted within the term of twenty-four hours with the cause thereof, and notified that he may, within a period not to exceed three days counted from the one following that of the notification, oppose extradition, by alleging:

1. That he is not the person claimed;
2. Substantial defects in the documents presented; and
3. The inadmissibility of the request of extradition.

Article 14. In cases where it is necessary to prove the facts alleged, evidence shall be taken, in full observance of the provisions of the law of procedure of the Republic of which extradition is requested. The evidence having been produced, the matter shall be decided without further steps, within the period of ten days, and it shall be declared whether or not the extradition shall be granted. Against such a decision and within three days following notification thereof, the legal remedies of the country of asylum may be invoked.

Article 15. 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 16. The present Convention shall remain in force until the first of January, nineteen hundred and forty-five, regardless of any prior denunciation, or any other cause.

From the first of January, nineteen hundred and forty-five, it shall continue in force until one year after the date on which one of the Parties bound thereby notifies the others of its intention to denounce it. The denunciation of this Convention by one or two of said Contracting 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 bound 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 17. The exchange of ratifications of the present Convention shall be made through communications addressed by the Governments to the Government of Guatemala in order that the latter may inform the other Contracting States. If the Government of Guatemala should ratify the Convention, notice of said ratification shall also be communicated to the others.

Article 18. When the present Convention becomes effective the one celebrated in the city of Washington on February 7, 1923, on the same subject will cease to be in effect.

Signed in the city of Guatemala on the 12th day of April 1934.

Here follow the signatures of the Delegates

TREATY ON POLITICAL ASYLUM AND REFUGE *

(Signed in Montevideo on August 4, 1939 at the
Second South American Congress on Private International Law)

Bibliography: The American Journal of International Law, Vol. 37,
Number 3, July 1943, page 99.

His Excellency the President of the Republic of Peru; His Excellency the President of the Argentine Republic; His Excellency the President of the Oriental Republic of Uruguay; His Excellency the President of the Republic of Bolivia; His Excellency the President of the Republic of Paraguay; and His Excellency the President of the Republic of Chile.

In view of the fact that the principles governing asylum which were established by the Treaty on International Penal Law signed at Montevideo on January 23, 1889, require amplification in order that they may cover the new situations which have arisen and may serve to confirm the doctrines already sanctioned in America, have agreed to conclude the present Treaty on Political Asylum and Refuge through the medium of their respective plenipotentiaries, assembled in congress in the City of Montevideo as a result of the initiative taken by the Governments of the Oriental Republic of Uruguay and the Argentine Republic.

[Here follow the names of the plenipotentiaries.]

The aforesaid representatives, having presented their full powers, which were found to be in due form, and after holding the appropriate conferences and discussions, have agreed upon the following provisions:

Chapter I. On Political Asylum

Article 1. Asylum may be granted without distinction of nationality, and without prejudice to the rights and obligations of protection appertaining to the State to which the refugees belong.

The State which grants asylum does not thereby incur an obligation to admit the refugees into its territory, except in cases where they are not given admission by other States.

* Revision of the Treaty on International Penal Law signed at the First South American Congress on Private International Law, Montevideo, 1888-1889.

Article 2. Asylum may be granted only in embassies, legations, men-of-war, military camps or military airplanes, and exclusively to persons pursued for political reasons or offenses, or under circumstances involving concurrent political offenses, which do not legally permit of extradition. The chiefs of mission may also receive refugees in their residences, in cases where the former do not live on the premises of the embassies or legations.

Article 3. Asylum shall not be granted to persons accused of political offenses, who shall have been indicted or condemned previously for common offenses, by the ordinary tribunals.

The determination of the causes which induce the asylum appertains to the State which grants it.

Asylum may not be granted to deserters from the sea-, land-, or air forces, except when the act is clearly of a political character.

Article 4. The diplomatic agent or military commander who grants asylum shall immediately communicate the names of the refugees to the Ministry for Foreign Affairs of the State where the act in question occurred, or to the administrative authorities of the locality, if the said act has taken place outside the seat of government, except when grave circumstances materially impede such communication or make it dangerous to the safety of the refugees.

Article 5. While the asylum continues, the refugees shall not be permitted to commit acts which may disturb the public tranquillity or may tend toward participation in, or influence upon, political activities. The diplomatic agents or military commanders shall require of the refugees information as to their personal history, and a promise not to enter into external communications without the express intervention of the former. This promise shall be in writing and signed; and if the refugees should refuse to accept, or should violate, any of these conditions, the diplomatic agent or commander shall immediately terminate the asylum. The refugees may be forbidden to carry with them articles other than those destined for personal use, the papers which belong to them, and the money necessary for their living expenses, the deposit of any other securities or articles in the place of asylum being prohibited.

Article 6. The Government of the State may demand that a given refugee be removed from the national territory within the shortest possible time; and the diplomatic agent or military commander who has granted the asylum may, for his part, demand the necessary guaranties before the refugee is permitted to leave the country, with due regard for the inviolability of the latter's person, and of the papers belonging to him and carried with him at the time when he received asylum, as

well as for the funds necessary to support him for a reasonable time. In the absence of such guaranties, the departure may be postponed until the local authorities shall make them available.

Article 7. Once they have left the State, the refugees shall not be landed in any other part of it. In case an ex-refugee should return to the country in question, he shall not be accorded new asylum if the disturbance which led to the original grant subsists.

Article 8. When the number of refugees exceeds the normal capacity of the places of refuge specified in Article 2, the diplomatic agents or military commanders may provide other places, under the protection of their flag, for the safety and lodging of the said refugees. In such cases, the agents or commanders must communicate that fact to the authorities.

Article 9. Men-of-war or military airplanes temporarily located in dry-docks or workshops for repairs, shall not accord protection to persons who take refuge in them.

Article 10. If, in a case of severance of relations, the diplomatic representative who has granted asylum should have to leave the territory of the country where he is located, he shall depart from it accompanied by the refugees; or, if this should be impossible for some reason not dependent upon the choice of the refugees or of the diplomatic agent, he may deliver them to the agent of a third State, with the guaranties specified in this treaty. Such delivery shall be effected by the transfer of the said refugees to the premises of the diplomatic mission which shall have accepted the charge in question, or by leaving the refugees on the premises where the archives of the departing diplomatic mission are kept; and these premises shall remain under the direct protection of the diplomatic agent to whom that function has been intrusted. In either case, the local Ministry for Foreign Affairs shall be duly advised, in conformity with the provisions of Article 4.

Chapter II. On Asylum in Foreign Territory

Article 11. Asylum granted within the territory of the high contracting parties, in conformity with the present treaty, is an inviolable asylum for persons pursued under the conditions described in Article 2; but it is the duty of the State to prevent the refugees from committing within its territory, acts which may endanger the public peace of the State from which they come.

The determination of the causes that induce the asylum appertains to the State which grants it.

The grant of asylum does not entail for the State which makes that grant, any obligation to admit the refugees indefinitely into its territory.

Article 12. Political emigrants shall not be permitted to establish juntas or committees for the purpose of instigating or promoting disturbances of order in any of the contracting States. Such juntas or committees shall be disbanded, upon proof of their subversive character, by the authorities of the State where they are found to exist.

Discontinuance of the benefits of asylum does not imply authorization to place a refugee in the territory of the pursuing State.

Article 13. Upon the request of the interested State, the one which has granted asylum shall undertake to keep watch over or to intern political emigrants, within a reasonable distance from its frontiers. The State receiving the request shall determine the propriety of the petition and shall fix the distance in question.

Article 14. The State making the request shall be liable for all expenses incurred in the internment of political refugees and emigrants.

Prior to the internment of the refugees, the States involved shall come to an agreement concerning their maintenance.

Article 15. Political internees shall advise the Government of the State where they are located, when they decide to leave its territory. Their departure shall be permitted on condition that they do not go to the country of their origin, and notice of this permission shall be given to the interested State.

Chapter III. General Provisions

Article 16. Any difference which may arise concerning the application of this treaty shall be decided through diplomatic channels, or, in default thereof, shall be submitted to arbitration or judicial decision, provided that there is a tribunal whose jurisdiction both parties recognize.

Article 17. Any State which has not signed the present treaty may adhere to it by sending its instrument of adhesion to the Ministry for Foreign Affairs of the Oriental Republic of Uruguay, which shall notify the other high contracting parties, through diplomatic channels, of that adhesion.

Article 18. This treaty shall be ratified by the high contracting parties in accordance with their constitutional rules. The original treaty and the instruments of ratification shall be deposited with the

Ministry for Foreign Affairs of the Oriental Republic of Uruguay, which shall communicate the ratifications, through diplomatic channels, to the other contracting States. The treaty shall go into effect among the high contracting parties in the order in which they have deposited their ratifications. The corresponding notification shall be considered as an exchange of ratifications.

Article 19. This treaty shall remain in force indefinitely, but may be denounced through notice given two years in advance, after the lapse of which period it shall cease to bind the denouncing State, but shall continue to be binding upon the other signatory States. Denunciations must be addressed to the Ministry for Foreign Affairs of the Oriental Republic of Uruguay, which shall transmit them to the other contracting States.

In Witness Whereof, the above-mentioned plenipotentiaries sign the present treaty in the City of Montevideo, on the 4th day of August, 1939.

[Here follow the signatures of the plenipotentiaries.]

Note: The following countries have deposited the instrument of ratification, without reservation, with the Government of Uruguay: Uruguay and Paraguay.

The following countries signed this treaty, but have not deposited the instrument of ratification: Bolivia, Argentina, Chile and Peru.

TREATY ON INTERNATIONAL PENAL LAW *

(Signed in Montevideo on March 19, 1940 at the
Second South American Congress on Private International Law)

Bibliography: The American Journal of International Law, Vol. 37,
Number 3, July 1943, page 122.

His Excellency the President of the Oriental Republic of Uruguay;
His Excellency the President of the Republic of the United States of
Brazil; His Excellency the President of the Republic of Colombia; His
Excellency the President of the Republic of Bolivia; His Excellency the
President of the Argentine Republic; His Excellency the President of the
Republic of Peru, and His Excellency the President of the Republic of
Paraguay,

Have agreed to conclude the present treaty through the medium of
their respective plenipotentiaries, assembled in congress in the City of
Montevideo as a result of the initiative taken by the Governments of the
Oriental Republic of Uruguay and the Argentine Republic.

[Here follow the names of the plenipotentiaries.]

The said representatives, having presented their full powers,
which were found to be in due form, having taken into consideration the
fact that the Treaty on International Penal Law signed at Montevideo on
January 23, 1889, might well be subjected to a process of revision for
the purpose of modifying and harmonizing the rules therein laid down,
and bearing in mind the conferences and discussions held in this connec-
tion, have agreed upon the following provisions:

* Revision of the Treaty on International Penal Law signed at the First
South American Congress on Private International Law, Montevideo,
1888-1889.

TITLE I. OF JURISDICTION AND THE LAW APPLICABLE THERETO

Article 1. Crimes, whatever may be the nationality of the agent, of the victim, or of the injured party, shall be tried by the tribunals, and punished according to the laws, of the State in whose territory they are committed.

Article 2. Crimes affecting two or more States and committed by one or more offenders, shall come under the jurisdiction of the judges or tribunals of the place where the said crimes were perpetrated; and the local laws must be applied in the corresponding proceedings.

If the crime was perpetrated in more than one country, it shall come under the jurisdiction of the tribunals of the first State to take judicial cognizance thereof, and the laws of that State must apply.

Article 3. In cases involving connected crimes committed by one or more offenders, whether as principals, as accomplices, or as harborers, in the territory of two or more signatory States, preference shall be given in regard to trial of the crime, to the authorities and penal law of the country in which the more serious offense was perpetrated, a matter which shall be left to the discretion of the requested State.

Article 4. In the cases to which Articles 2 and 3 refer, the judge of the proceedings shall communicate with the Executive Power, in order that the latter may notify the States interested in the trial, of the institution of proceedings.

Article 5. Acts committed in the territory of a given State, which are not susceptible of punishment according to its own laws but which are punishable by the State wherein they produce their effects, may not be tried by the judges or tribunals of the latter unless the offender shall be found within its jurisdiction.

A similar rule applies with respect to those crimes for which the extradition of the offenders is not authorized.

In cases involving acts committed by public functionaries who are serving in a foreign country, if such acts constitute a criminal violation of the specific duties attached to the office with which they have been entrusted, the foregoing rule shall not apply, and the said functionaries shall be tried and punished by the judges or tribunals of the offenders' own State, in conformity with its laws.

Article 6. Any of the signatory States may expel, in accordance with its laws, alien offenders who have taken refuge in its territory, provided that after the appropriate request has been presented to the authorities of the country where any of the extraditable crimes were committed, the surrender of the said offenders is not requested, through the channel of extradition, within ninety days.

Article 7. The principles of public international law shall be observed for the trial of crimes committed by any of the functionaries of a diplomatic mission or by any member of their respective suites.

A similar procedure shall be followed with respect to Chiefs of State and their suites; and also with respect to members of armed forces, when the crime has been committed within the bounds of the place where they are stationed, and bears a legal relationship to the said forces.

Article 8. Crimes committed on the high seas, whether on board airplanes, or on men-of-war, or on merchant ships, must be tried and punished according to the law of the State whose flag the vessel flies.

Article 9. Crimes perpetrated on board men-of-war or military planes of one State, while these are in the territorial waters of another State, shall be tried by the tribunals, and punished according to the laws, of the State to which the said men-of-war or airplanes belong.

If only persons who do not belong to the crew of the warship or airplane, participate in the commission, on board, of such acts, prosecution and punishment shall be conducted in accordance with the laws of the State within whose territorial waters the warship or airplane is located.

The laws of the country to which the ship or airplane belongs, shall also govern the trial and punishment of such punishable acts as are committed elsewhere than on board by members of the crew or by individuals charged with the exercise of some function on board, when the said acts affect only the disciplinary order of those ships or planes.

Article 10. Crimes committed on board vessels other than vessels of war shall be tried and punished by the judges or tribunals, and according to the laws, of the State in whose territorial waters a given vessel was located at the time when such a crime was committed.

If the crimes are committed on board private airplanes which are not in flight, the corresponding trial and imposition of punishment shall be conducted according to the laws, and by the judges of the territory where the crimes occurred.

Article 11. Trial and punishment for crimes committed on board airplanes or on men-of-war or on merchant ships, under the conditions specified in Articles 2 and 3, shall be conducted according to the provisions laid down in those articles.

Article 12. For the purposes of criminal jurisdiction, territorial waters are declared to be those included in a belt five miles wide running along the coast of the mainland or of the islands which constitute part of the territory of the various States.

Article 13. A riparian State has the right to continue on the high seas a pursuit begun within its territorial waters, as well as the right to arrest and try the vessel that has committed an offense within the said waters. In all cases where a capture is effected on the high seas, that fact shall be communicated without delay to the State whose flag the vessel flies. The pursuit must be broken off instantly when the vessel enters other territorial waters, or a port belonging to its own country or to a third State.

Article 14. International piracy, traffic in narcotics, white slavery, and the destruction or damage of submarine cables, are subject to the jurisdiction and law of the State into whose power the offenders may come, regardless of the place where such crimes were committed; but without prejudice to the preferential right of the State in which the criminal acts were perpetrated, to request the extradition of the offenders.

Article 15. Crimes committed on board airplanes in flight over a foreign State shall come under the jurisdiction of the latter if the airplane should make its first landing there. Otherwise, such jurisdiction shall appertain to the State in whose territory that first landing is made, and the laws of the subjacent State shall apply. When it is not possible to determine the territory over which the crime was committed, the case shall be governed by the law of the State whose flag the plane flies.

The pilot of an airplane in flight, who has been notified of the commission of a crime, is bound to land at the first known airport and inform the authorities of that port.

Article 16. Prescription of actions and of penalties shall be determined by the judges or tribunals, and in accordance with the laws, of the State to which cognizance of the crimes in question appertains.

Article 17. A judgment rendered in any of the signatory States shall be recognized in those States for the purpose of establishing the repetition or habitual commission of the offense, or a tendency thereto, on the part of the accused; and also in order to make it obligatory that he accede, while he is in their territory, to indemnification of the damage, to measures of security against his person, and to the interdiction resulting from the proceedings.

The signatory States shall furnish reports in regard to the judicial or police antecedents on file in their archives, if they are requested to do so by another interested State.

TITLE II. OF EXTRADITION

Chapter I. Of the System of Extradition

Article 18. The contracting States bind themselves to surrender, if they are requested to do so, persons who have been prosecuted or condemned by the authorities of one of those States, and who are found in the territory of another.

The request for surrender shall be granted in accordance with the procedural formalities in force within the requested State, provided that the following conditions are both met:

(a) The person to be surrendered must have been condemned by final judgment to one year in prison, at least; or, if the case concerns an indicted person, the crime that constitutes the subject-matter of the prosecution must be punishable, according to the laws of the requesting State, by a minimum intermediate penalty of two years' imprisonment. Half the sum of the extremes within which the particular penalty involving deprivation of liberty is fixed, shall be considered as the intermediate penalty.

(b) The requesting State must have jurisdiction to try and to pass sentence concerning the crime which motivates the demand, even when the acts involved have been committed outside the territory of the contracting States.

Article 19. The nationality of the accused may not be invoked as a reason for refusing extradition, except when a constitutional provision establishes otherwise.

Article 20. Extradition shall not be granted:

(a) For the crime of dueling;

(b) For the crime of adultery;

(c) For the crimes of libel and slander, even when perpetrated through the medium of the press;

(d) For political crimes;

(e) For common crimes committed with a political purpose, except when, in the opinion of the judge or tribunal receiving the request, the common character manifestly predominates;

(f) For common crimes in cases where, in the opinion of the judge or tribunal of the requested State, it can be inferred from the attendant circumstances that the purpose in making that request is preponderantly political;

(g) For essentially military crimes, exclusive of those governed by the common law. If the person sought is charged with a military crime which is also punishable by the common law, he shall be surrendered with the reservation that he is to be tried only in accordance with the said law and by the ordinary tribunals;

(h) When the person sought has been or is being tried, for the same act and in accordance with the provisions of this treaty, in the requested State; or when the action or penalty has been invalidated by prescription, according to the laws of the requesting State, before the seizure of the accused;

(i) When the person sought would have to appear before a tribunal or court taking cognizance of exceptions.

The determination of the character of the offenses involved appertains exclusively to the authorities of the requested State, on the basis of the law more favorable to the accused.

Article 21. No civil or commercial action involving the accused shall hinder his extradition.

Article 22. When the individual sought is deprived of his freedom by virtue of a prosecution or a service of sentence in the requested State, his surrender may be postponed until the restriction on his freedom has been removed, or the sentence has been served; but in the meantime, prescription of the action or penalty in question shall be suspended.

Article 23. The murder of the Chief of a contracting State, or an attempt upon his life, shall not be regarded as a political crime or act connected therewith.

Article 24. Persons whose extradition has been granted may not be tried for crimes previous to those on which the extradition is based.

Crimes constituting grounds for extradition may be tried and punished, provided that the requested State gives its consent previously and in conformity with the terms of this treaty.

Article 25. When the extradition of a given individual is demanded by different States, and the demands are based upon the same crime, preference shall be accorded to that of the State in whose territory the

crime was perpetrated; or, if it was committed in different countries, preference shall be given to the first demand.

If different acts are involved, preference in granting the extradition shall be given to the State in whose territory the more serious crime was committed, according to the judgment of the requested State.

In cases involving different acts which the requested State regards as equally serious, the preference shall be determined by the order in which the requests are received.

Article 26. In the cases contemplated in paragraphs 2 and 3 of the foregoing article, the requested State may, as a condition of granting the extradition, stipulate that the person demanded must also be subject to ulterior extradition.

Article 27. In no case shall the death penalty be imposed for the crime for which extradition has been granted.

Article 28. The foregoing rules will apply in the case of persons condemned to measures of security, provided that the latter consist of deprivation or restriction of freedom, and that for their extinction more than a year has yet to elapse.

Chapter II. Of Extradition Procedure

Article 29. The demand for extradition must be made by the appropriate diplomatic agent or, in default thereof, either by the consular agents or directly from Government to Government; and it must be accompanied, according to whether the persons involved are accused or condemned persons, either by a copy of the order of imprisonment or judicial order providing for deprivation of freedom, issued by the competent authorities, or by an authenticated copy of the judgment of condemnation.

The records supplied must include a precise statement as to the act on which the charge is based, and the date and place of its occurrence. The said records shall be accompanied by copies of the laws applicable to the case, as well as by copies of those relative to prescription as it affects the action or penalty in question. Data and information regarding antecedents, to facilitate identification of the person sought, shall also be included.

Article 30. The demand for extradition of a condemned person cannot be based on a sentence rendered by default, that is to say, a sentence rendered when the accused has not been personally summoned to

defend, or when he has been summoned but has not appeared. However, the requested extradition may be granted if the requesting State promises to reopen the case in such a way as to allow for the defense of the accused.

Article 31. If the demand for extradition has been made in due form, the requested Government shall send the documents on the case to the competent judge or tribunal, who must pass upon the propriety of the said demand, on the basis of the provisions contained in Articles 29 and 30; and, whenever the case warrants such action, the said judge or tribunal shall take the necessary steps for the apprehension of the person sought, ordering his arrest and the seizure of the articles involved in the crime, if they believe this to be the proper procedure.

Article 32. If the judge of the requested State considers that the demand is legally inadmissible because of some defect of form, he shall advise the judge of the requesting State as to what documents are lacking and shall fix a reasonable time-limit for their remission.

Article 33. In cases where the arrest is made, the party concerned shall be informed of the cause of arrest within twenty-four hours.

Within a period of three days and no more, reckoned from the day following the notification, the interested party may oppose exceptions based on the following grounds:

- (a) Incompetence of the judge of the requested State who ordered the arrest;
- (b) The fact that the said party is not the person sought;
- (c) Defects of form in the documents presented;
- (d) Impropriety of the demand for extradition.

Article 34. In cases where it is necessary to verify the allegations, the question shall be laid open for proof; and the provisions of the procedural law of the requested State shall govern with respect to such proof and to the time allowed for it.

Article 35. When the proof has been produced, a decision on the question shall be reached without further proceedings, by a declaration as to whether or not grounds for extradition exist.

In cases where cognizance of the demand appertains originally to the judge of first instance, the decision shall be appealable to the competent tribunal.

Article 36. If the sentence is favorable to the demand for extradition, the tribunal which renders the decision shall communicate it immediately to the Executive Power, in order that he may take the steps necessary for the surrender of the culprit.

If the sentence is unfavorable, the judge or tribunal, once it has become final, shall order the immediate release of the prisoner and shall so advise the Executive Power, enclosing a copy of the said sentence in order that the Executive may bring it to the knowledge of the requesting Government.

Article 37. If the prisoner acquiesces in the demand, the judge or tribunal shall draw up a statement regarding the terms of that acquiescence, and shall, without further proceedings, declare that extradition is proper.

Article 38. Articles found in the possession of the person sought, if they were acquired in consequence of the act in question, if they were used in its execution, if the act was perpetrated upon them, or if they constitute evidence in some other way, shall be seized and delivered to the demanding State, even though the extradition may fail to take place owing to the death or disappearance of the accused.

Article 39. In cases where the delivery of the accused is to be effected over a land route, the requested State shall transfer him to the most suitable point on the frontier.

When his transfer must be effected over a maritime, fluvial or air route, he shall be delivered to those agents whom the requesting State may appoint, at the most suitable port or airdrome of embarkation.

The requesting State may, in any case, appoint one or more police agents; but they shall act as subordinates of the agents or authorities representing the territory of the requested State, or that of the State of transit.

Article 40. If it should be necessary to traverse the territory of an intermediate State in order to surrender a prisoner whose extradition has been agreed to by one State in favor of another, such transit shall be permitted by the said intermediate State without any requirement other than the exhibition through diplomatic channels of the proper attestation, in the form of a decree of extradition which authorized the surrender.

Article 41. The expenses incurred in the extradition of the offender shall be borne by the requested State until the moment when the surrender takes place; and thenceforth, they shall be borne by the requesting Govern-

ment.

Article 42. When extradition of a person under indictment has been accorded, the Government whose request was granted shall communicate to the Government that granted it, the final judgment pronounced in the case which constituted the grounds for extradition.

Article 43. When extradition has been accorded, and the person sought has been placed at the disposal of the diplomatic, consular or police agent of the demanding State, he shall be released if, within a period of forty days from the date of the pertinent communication, he has not been sent to his destination; always provided that no request for a reasonable delay has been presented. In such circumstances, no new demand based upon the same grounds will be admissible.

Article 44. When the request for extradition has been granted, the requesting State agrees to try the accused, in accordance with Article 24, exclusively for the act for which he was surrendered and not for any previous act, unless he should remain voluntarily for more than thirty days, after being released, in the territory of the requested State.

Article 45. During the extradition proceedings the person detained may not be released on bail.

TITLE III. OF PROVISIONAL ARREST

Article 46. In urgent cases, the contracting States may request by post or by telegraph that steps be taken for the arrest of the accused and for the seizure of articles connected with the crime, once the nature of that crime has been determined and the existence of an order of imprisonment issued by a competent judge, has been invoked.

In such cases, the prisoner shall be released if, within sixty days from the date of his arrest, the formal demand for extradition, duly drawn up, has not been presented to the requested State.

When that interval has elapsed and the prisoner has been released, his arrest cannot be requested again until after the documents required by Article 29 have been presented.

Article 47. In cases of provisional arrest, the release of the accused shall be effected without prejudice to the retention of the articles mentioned in Article 38, for a reasonable time, to be fixed by the judges of the State which proceeded to the arrest and in accordance with the attendant circumstances.

Article 48. In all cases of provisional arrest, the responsibilities which may arise therefrom appertain to the State that requested it.

TITLE IV. GENERAL PROVISIONS

Article 49. The simultaneous ratification of this treaty by all of the signatory States is not necessary in order to bring it into operation. The States which approve it shall communicate their approval to the Government of the Oriental Republic of Uruguay, so that the latter may notify the other contracting States to that effect. This procedure shall take the place of an exchange.

Article 50. When the exchange has been made, in the form indicated by the preceding article, this treaty shall be effective from that time forth indefinitely.

Article 51. If any of the contracting States should deem it advisable to withdraw its adherence to the treaty or introduce changes into the said instrument, it shall so advise the other signatories; but the withdrawal shall not take effect until two years after the date of denunciation, during which time an effort to reach a new accord shall be made.

Article 52. No demand for extradition in connection with a crime committed before the exchange of the ratifications of this treaty may be based upon the provisions therein contained.

Article 53. Article 49 applies also to States which have not attended this Congress, but which wish to adhere to the present treaty.

In Witness Whereof, the plenipotentiaries of the aforesaid nations sign the present treaty in Montevideo on the 19th day of March, 1940.

[Here follow the signatures of the plenipotentiaries.]

Note: The following countries are signatories to this treaty: Argentina, which signed with a reservation, Bolivia, Brazil, Colombia, Paraguay, and Peru. Uruguay, which is the depositary country, has deposited its instrument of ratification.

RESERVATION

The Delegation of the Argentine Republic reserves the right to differentiate between "political offender" and "international terrorist."

CONVENTION ON DIPLOMATIC ASYLUM

(Signed in Caracas, March 28, 1954
at the Tenth Inter-American Conference)

Bibliography: Treaty Series No. 18, Pan American Union, 1961,
page 7.

The governments of the Member States of the Organization of American States, desirous of concluding a Convention on Diplomatic Asylum, have agreed to the following articles:

Article 1. Asylum granted in legations, war vessels, and military camps or aircraft, to persons being sought for political reasons or for political offenses shall be respected by the territorial State in accordance with the provisions of this Convention.

For the purposes of this Convention, a legation is any seat of a regular diplomatic mission, the residence of chiefs of mission, and the premises provided by them for the dwelling places of asylees when the number of the latter exceeds the normal capacity of the buildings.

War vessels or military aircraft that may be temporarily in shipyards, arsenals, or shops for repair may not constitute a place of asylum.

Article 2. Every State has the right to grant asylum; but it is not obligated to do so or to state its reasons for refusing it.

Article 3. It is not lawful to grant asylum to persons who, at the time of requesting it, are under indictment or on trial for common offenses or have been convicted by competent regular courts and have not served the respective sentence, nor to deserters from land, sea, and air forces, save when the acts giving rise to the request for asylum, whatever the case may be, are clearly of a political nature.

Persons included in the foregoing paragraph who de facto enter a place that is suitable as an asylum shall be invited to leave or, as the case may be, shall be surrendered to the local authorities, who may not try them for political offenses committed prior to the time of the surrender.

Article 4. It shall rest with the State granting asylum to determine the nature of the offense or the motives for the persecution.

Article 5. Asylum may not be granted except in urgent cases and for the period of time strictly necessary for the asylee to depart from the country with the guarantees granted by the Government of the territorial State, to the end that his life, liberty, or personal integrity may not be endangered, or that the asylee's safety is ensured in some other way.

Article 6. Urgent cases are understood to be those, among others in which the individual is being sought by persons or mobs over whom the authorities have lost control, or by the authorities themselves, and is in danger of being deprived of his life or liberty because of political persecution and cannot, without risk, ensure his safety in any other way.

Article 7. If a case of urgency is involved, it shall rest with the State granting asylum to determine the degree of urgency of the case.

Article 8. The diplomatic representative, commander of a warship, military camp, or military airship, shall, as soon as possible after asylum has been granted, report the fact to the Minister of Foreign Affairs of the territorial State, or to the local administrative authority if the case arose outside the Capital.

Article 9. The official furnishing asylum shall take into account the information furnished to him by the territorial government in forming his judgment as to the nature of the offense or the existence of related common crimes; but this decision to continue the asylum or to demand a safe-conduct for the asylee shall be respected.

Article 10. The fact that the Government of the territorial State is not recognized by the State granting asylum shall not prejudice the application of the present Convention, and no act carried out by virtue of this Convention shall imply recognition.

Article 11. The government of the territorial State, may, at any time, demand that the asylee be withdrawn from the country, for which purpose the said State shall grant a safe-conduct and the guarantees stipulated in Article 5.

Article 12. Once asylum has been granted, the State granting asylum may request that the asylee be allowed to depart for foreign territory, and the territorial State is under obligation to grant immediately, except in case of force majeure, the necessary guarantees, referred to in Article 5, as well as the corresponding safe-conduct.

Article 13. In the cases referred to in the preceding articles the State granting asylum may require that the guarantees be given in writing, and may take into account, in determining the rapidity of the journey, the actual conditions of danger involved in the departure of the asylee.

The State granting asylum has the right to transfer the asylee out of the country. The territorial State may point out the preferable route for the departure of the asylee, but this does not imply determining the country of destination.

If the asylum is granted on board a warship or military airship, departure may be made therein, but complying with the previous requisite of obtaining the appropriate safe-conduct.

Article 14. The State granting asylum cannot be held responsible for the prolongation of asylum caused by the need for obtaining the information required to determine whether or not the said asylum is proper, or whether there are circumstances that might endanger the safety of the asylee during the journey to a foreign country.

Article 15. When, in order to transfer an asylee to another country it may be necessary to traverse the territory of a State that is a party to this Convention, transit shall be authorized by the latter, the only requisite being the presentation, through diplomatic channels, of a safe-conduct, duly countersigned and bearing a notation of his status as asylee by the diplomatic mission that granted asylum.

En route, the asylee shall be considered under the protection of the State granting asylum.

Article 16. Asylees may not be landed at any point in the territorial State or at any place near thereto, except for exigencies of transportation.

Article 17. Once the departure of the asylee has been carried out, the State granting asylum is not bound to settle him in its territory; but it may not return him to his country of origin, unless this is the express wish of the asylee.

If the territorial State informs the official granting asylum of its intention to request the subsequent extradition of the asylee, this shall not prejudice the application of any provision of the present Convention. In that event, the asylee shall remain in the territory of the State granting asylum until such time as the formal request for extradition is received, in accordance with the juridical principles governing that institution in the State granting asylum. Preventive surveillance over the

asylee may not exceed thirty days.

Payment of the expenses incurred by such transfer and of preventive control shall devolve upon the requesting State.

Article 18. The official furnishing asylum may not allow the asylee to perform acts contrary to the public peace or to interfere in the internal politics of the territorial State.

Article 19. If as a consequence of a rupture of diplomatic relations the diplomatic representative who granted asylum must leave the territorial State, he shall abandon it with the asylees.

If this is not possible for reasons independent of the wish of the asylee or the diplomatic representative, he must surrender them to the diplomatic mission of a third State, which is a party to this Convention, under the guarantees established in the Convention.

If this is also not possible, he shall surrender them to a State that is not a party to this Convention and that agrees to maintain the asylum. The territorial State is to respect the said asylum.

Article 20. Diplomatic asylum shall not be subject to reciprocity.

Every person is under its protection, whatever his nationality.

Article 21. The present Convention shall be open for signature by the Member States of the Organization of American States and shall be ratified by the signatory States in accordance with their respective constitutional procedures.

Article 22. The original instrument, whose texts in the English, French, Spanish, and Portuguese languages are equally authentic, shall be deposited in the Pan American Union, which shall send certified copies to the governments for the purpose of ratification. The instruments of ratification shall be deposited in the Pan American Union, and the said organization shall notify the signatory governments of the said deposit.

Article 23. The present Convention shall enter into force among the States that ratify it in the order in which their respective ratifications are deposited.

Article 24. The present Convention shall remain in force indefinitely, but may be denounced by any of the signatory States by giving advance notice of one year, at the end of which period it shall cease to have effect for the denouncing State, remaining in force, however, among the remaining signatory States. The denunciation shall be trans-

mitted to the Pan American Union, which shall inform the other signatory States thereof.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having presented their plenary powers, which have been found in good and due form, sign this Convention, in the name of their respective Governments, in the city of Caracas, this twenty-eighth day of March, one thousand nine hundred and fifty-four.

Here follow the signatures of the Plenipotentiaries

RESERVATIONS

Guatemala:

We make an express reservation to Article 2 wherein it declares that the States are not obligated to grant asylum; because we uphold a broad, firm concept of the right to asylum.

Likewise, we make an express reservation to the final paragraph of Article 20 (Twenty), because we maintain that any person, without any discrimination whatsoever, has the right to the protection of asylum.

Uruguay:

The government of Uruguay makes a reservation to Article 2, in the part that stipulates that the authority granting asylum, is, in no case, obligated to grant asylum nor to state its reasons for refusing it. It likewise makes a reservation to that part of Article 15 that stipulates: "...the only requisite being the presentation, through diplomatic channels, of a safe-conduct, duly countersigned and bearing a notation of his status as asylee by the diplomatic mission that granted asylum. En route, the asylee shall be considered under the protection of the State granting asylum." Finally, it makes a reservation to the second paragraph of Article 20, since the government of Uruguay understands that all persons have the right to asylum, whatever their sex, nationality, belief, or religion.

Dominican Republic:

The Dominican Republic subscribes to the above Convention with the following reservations:

First: The Dominican Republic does not agree to the provisions contained in Article 7 and those following with respect to the unilateral determination of the urgency by the State granting asylum; and

Second: The provisions of this Convention shall not be applicable, consequently, insofar as the Dominican Republic is concerned, to any controversies that may arise between the territorial State and the State granting asylum, that refer specifically to the absence of a serious situation or the nonexistence of a true act of persecution against the asylee by the local authorities.

Honduras:

The delegation of Honduras subscribes to the Convention on Diplomatic Asylum with reservations with respect to those articles that are in violation of the Constitution and laws in force in the Republic of Honduras.

CONVENTION ON DIPLOMATIC ASYLUM

(Signed in Caracas, March 28, 1954, at the
Tenth Inter-American Conference)

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|---------------------------------|--|
| Argentina | |
| Bolivia | |
| Brazil | September 17, 1957 |
| Chile | |
| Colombia | |
| Costa Rica ¹ | February 24, 1955 |
| Cuba | |
| Dominican Republic ² | December 14, 1961 |
| Ecuador | August 11, 1955 |
| El Salvador | September 28, 1954 |
| Guatemala ² | |
| Haiti ³ | February 18, 1955 ³ |
| Honduras ² | |
| Mexico | February 6, 1957 |
| Nicaragua | |
| Panama | March 19, 1958 |
| Paraguay | January 25, 1957 |
| Peru ⁴ | July 2, 1962 |
| Uruguay ² | August 9, 1967 ² |
| Venezuela | December 29, 1954 |

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1. Signed on June 16, 1954, at the Pan American Union.
 2. With reservations.
 3. Haiti denounced this convention on August 1, 1967. The denunciation will take effect on August 2, 1968. Haiti has also denounced the Convention on Territorial Asylum signed at the Tenth Conference at Caracas in 1954, the Convention on Asylum signed at the Sixth Conference at Havana in 1928, and the Convention on Political Asylum signed at the Seventh Conference at Montevideo in 1933.
 4. Signed on January 22, 1960, at the Pan American Union.

The original instrument is deposited with the Pan American Union, which is also the depository of the instruments of ratification. The Convention entered into force on December 29, 1954, when the second ratification was deposited by Venezuela.

CONVENTION ON TERRITORIAL ASYLUM

(Signed in Caracas on March 28, 1954
at the Tenth Inter-American Conference)

Bibliography: Treaty Series No. 19, Pan American Union, 1961,
page 7.

The governments of the Member States of the Organization of American States, desirous of concluding a Convention regarding Territorial Asylum, have agreed to the following articles:

Article 1. Every State has the right, in the exercise of its sovereignty, to admit into its territory such persons as it deems advisable, without, through the exercise of this right, giving rise to complaint by any other State.

Article 2. The respect which, according to international law, is due the jurisdictional right of each State over the inhabitants in its territory, is equally due, without any restriction whatsoever, to that which it has over persons who enter it proceeding from a State in which they are persecuted for their beliefs, opinions, or political affiliations, or for acts which may be considered as political offenses.

Any violation of sovereignty that consists of acts committed by a government or its agents in another State against the life or security of an individual, carried out on the territory of another State, may not be considered attenuated because the persecution began outside its boundaries or is due to political considerations or reasons of state.

Article 3. No State is under the obligation to surrender to another State, or to expel from its own territory, persons persecuted for political reasons or offenses.

Article 4. The right of extradition is not applicable in connection with persons who, in accordance with the qualifications of the solicited State, are sought for political offenses, or for common offenses committed for political ends, or when extradition is solicited for predominantly political motives.

Article 5. The fact that a person has entered into the territorial jurisdiction of a State surreptitiously or irregularly does not affect the provisions of this Convention.

Article 6. Without prejudice to the provisions of the following articles, no State is under the obligation to establish any distinction in its legislation, or in its regulations or administrative acts applicable to aliens, solely because of the fact that they are political asylees or refugees.

Article 7. Freedom of expression of thought, recognized by domestic law for all inhabitants of a State, may not be ground of complaint by a third State on the basis of opinions expressed publicly against it or its government by asylees or refugees, except when these concepts constitute systematic propaganda through which they incite to the use of force or violence against the government of the complaining State.

Article 8. No State has the right to request that another State restrict for the political asylees or refugees the freedom of assembly or association which the latter States's internal legislation grants to all aliens within its territory, unless such assembly or association has as its purpose fomenting the use of force or violence against the government of the soliciting State.

Article 9. At the request of the interested State, the State that has granted refuge or asylum shall take steps to keep watch over, or to intern at a reasonable distance from its border, those political refugees or asylees who are notorious leaders of a subversive movement, as well as those against whom there is evidence that they are disposed to join it.

Determination of the reasonable distance from the border, for the purpose of internment, shall depend upon the judgment of the authorities of the State of refuge.

All expenses incurred as a result of the internment of political asylees and refugees shall be chargeable to the State that makes the request.

Article 10. The political internees referred to in the preceding article shall advise the government of the host State whenever they wish to leave its territory. Departure therefrom will be granted, under the condition that they are not to go to the country from which they came and the interested government is to be notified.

Article 11. In all cases in which a complaint or request is permissible in accordance with this Convention, the admissibility of evidence presented by the demanding State shall depend on the judgment of the solicited State.

Article 12. This Convention remains open to the signature of the Member States of the Organization of American States, and shall be ratified by the signatory States in accordance with their respective constitutional procedures.

Article 13. The original instrument, whose texts in the English, French, Portuguese, and Spanish languages are equally authentic, shall be deposited in the Pan American Union, which shall send certified copies to the governments for the purpose of ratification. The instruments of ratification shall be deposited in the Pan American Union; this organization shall notify the signatory governments of said deposit.

Article 14. This Convention shall take effect among the States that ratify it in the order in which their respective ratifications are deposited.

Article 15. This Convention shall remain effective indefinitely, but may be denounced by any of the signatory States by giving advance notice of one year, at the end of which period it shall cease to have effect for the denouncing State, remaining, however, in force among the remaining signatory States. The denunciation shall be forwarded to the Pan American Union which shall notify the other signatory States thereof.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, having presented their plenary powers which have been found in good and satisfactory form, sign this Convention, in the name of their respective Governments, in the city of Caracas, this twenty-eighth day of March, one thousand nine hundred and fifty-four.

[Here follow the signatures of the Plenipotentiaries]

RESERVATIONS

Guatemala:

We make express reservation to Article 3 (three) wherein it refers to the surrender of persons persecuted for political reasons or offenses; because according to the provisions of our Political Constitution, we maintain that such surrender of persons persecuted for political reasons may never be carried out.

We affirm, likewise, that the term "internment" in Article 9 means merely location at a distance from the border.

Dominican Republic:

The delegation of the Dominican Republic subscribes to the Convention on Territorial Asylum, with the following reservations:

- Article 1. The Dominican Republic accepts the general principle embodied in that article in the sense that, "Every State has the right to admit into its territory such persons as it deems advisable", but it does not renounce the right to make diplomatic representation to any other State, if for considerations of national security it deems this advisable.
- Article 2. It accepts the second paragraph of this article with the understanding that the latter does not affect the regulations of the frontier police.
- Article 10. The Dominican Republic does not renounce the right to resort to the procedures for pacific settlement of international disputes that may arise from the exercise of territorial asylum.

Mexico:

The delegation of Mexico makes express reservation to Articles 9 and 10 of the Convention regarding territorial asylum because they are contrary to the individual guarantees enjoyed by all the inhabitants of the Republic in accordance with the Political Constitution of Mexico.

Peru:

The delegation of Peru makes reservation to the text of Article 7 of the Convention regarding Territorial Asylum, insofar as it differs from Article 6 of the draft proposal of the Inter-American Council of Jurists, with which the delegation concurs.

Honduras:

The delegation of Honduras gives its approval to the Convention regarding Territorial Asylum with reservations with respect to those articles opposed to the Constitution and to the laws in force in the Republic of Honduras.

Argentina:

The delegation of Argentina has voted in favor of the Convention regarding Territorial Asylum, but makes express reservations in regard to Article 7, as it believes that the latter does not duly consider nor satisfactorily resolve the problem arising from the exercise, on the part of political asylees, of the right of freedom of expression of thought.

CONVENTION ON TERRITORIAL ASYLUM

(Signed in Caracas, March 28, 1954, at the
Tenth Inter-American Conference)

| <u>SIGNATORY COUNTRIES</u> | <u>DATE OF DEPOSIT OF THE INSTRUMENT OF RATIFICATION</u> |
|---------------------------------|--|
| Argentina ¹ | |
| Bolivia | |
| Brazil | January 14, 1965 |
| Chile | |
| Colombia | |
| Costa Rica ² | February 24, 1955 |
| Cuba | |
| Dominican Republic ¹ | |
| Ecuador | August 11, 1955 |
| El Salvador | September 28, 1954 |
| Guatemala ¹ | |
| Haiti ³ | February 18, 1955 ³ |
| Honduras ¹ | |
| Mexico ¹ | |
| Nicaragua | |
| Panama | March 19, 1958 |
| Paraguay | January 25, 1957 |
| Peru ¹ | |
| Uruguay | August 9, 1967 |
| Venezuela | December 29, 1954 |

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1. With reservations.
 2. Signed on June 16, 1954, at the Pan American Union.
 3. Haiti denounced this convention on August 1, 1967. The denunciation will take effect on August 2, 1968. Haiti has also denounced the Convention on Diplomatic Asylum signed at the Tenth Conference at Caracas in 1954, the Convention on Asylum signed at the Sixth Conference at Havana in 1928, and the Convention on Political Asylum signed at the Seventh Conference at Montevideo in 1933.

The original instrument is deposited with the Pan American Union, which is also the depository of the instruments of ratification. The Convention entered into force on December 29, 1954, when Venezuela deposited the second ratification.

**A LIST OF TREATIES ON EXTRADITION IN FORCE
BETWEEN THE UNITED STATES
AND THE OTHER AMERICAN REPUBLICS**

Bibliography: Treaties in Force, A List of Treaties and Other International Agreements of the United States in Force on January 1, 1967. Compiled by the Treaty Affairs Staff, Office of the Legal Adviser Department of State, U. S. Government Printing Office, Washington D. C., 1967.

ARGENTINA

Convention providing for the extradition of criminals.
Signed at Buenos Aires September 26, 1896; entered
into force July 2, 1900.
31 Stat. 1883; TS 6; I Malloy 25.

BOLIVIA

Treaty of extradition.
Signed at La Paz April 21, 1900; entered into force
January 22, 1902.
32 Stat. 1857; TS 399; I Malloy 125.

BRAZIL

Treaty of extradition.
Signed at Rio de Janeiro January 13, 1961;
entered into force December 17, 1964.
15 UST 2093; TIAS 5691.

Additional protocol to the treaty of extradition.
Signed at Rio de Janeiro June 18, 1962; entered
into force December 17, 1964.
15 UST 2112; TIAS 5691.

CHILE

Treaty providing for the extradition of criminals
Signed at Santiago April 17, 1900; entered into
force June 26, 1902.
32 Stat. 1850; TS 407; I Malloy 192.

COLOMBIA

Convention for the reciprocal extradition of criminals.
Signed at Bogotá May 7, 1888; entered into force
January 11, 1891.
26 Stat. 1534; TS 58; I Malloy 323; 125 UNTS 239.

Supplementary convention of extradition.
Signed at Bogotá September 9, 1940;
entered into force July 6, 1943.
57 Stat. 824; TS 986; 125 UNTS 248.

COSTA RICA

Treaty of extradition and exchange of notes concerning
the death penalty. Signed at San José November 10, 1922;
entered into force April 27, 1923.
43 Stat. 1621. TS 668; IV Trenwith 4025.

CUBA

Treaty providing for the mutual extradition of fugitives
from justice. Signed at Washington April 6, 1904;
entered into force March 2, 1905.
33 Stat. 2265; TS 440; I Malloy 366.

Protocol amending Spanish text of extradition treaty
signed April 6, 1904. Signed at Washington December 6,
1904; entered into force March 2, 1905.
33 Stat. 2273; TS 441; I Malloy 371.

Additional extradition treaty.
Signed at Habana January 14, 1926; entered into
force June 18, 1926.
44 Stat. 2392; TS 737; IV Trenwith 4039; 61 LNTS 363.

DOMINICAN REPUBLIC

Convention for the mutual extradition of fugitives from
justice. Signed at Santo Domingo June 19, 1909; entered
into force August 2, 1910.
36 Stat. 2468; TS 550; III Redmond 2567.

ECUADOR

Extradition treaty.
Signed at Quito June 28, 1872; entered into force
November 12, 1873.
18 Stat. 199; TS 79; I Malloy 436.

Supplementary extradition treaty.
Signed at Quito September 22, 1939;
entered into force May 29, 1941.
55 Stat. 1196; TS 972.

EL SALVADOR

Treaty of extradition.
Signed at San Salvador April 18, 1911;
entered into force July 10, 1911.
37 Stat. 1516; TS 560; III Redmond 2820.

GUATEMALA

Treaty for the mutual extradition of fugitives
from justice. Signed at Washington February 27, 1903;
entered into force August 15, 1903.
33 Stat. 2147; TS 425; I Malloy 878.

Supplementary extradition convention.
Signed at Guatemala February 20, 1940;
entered into force March 13, 1941.
55 Stat. 1097; TS 963.

HAITI

Treaty for the mutual extradition of criminals.
Signed at Washington August 9, 1904; entered
into force June 28, 1905.
34 Stat. 2858; TS 447; I Malloy 941.

HONDURAS

Treaty for the extradition of fugitives from justice.
Signed at Washington January 15, 1909; entered
into force July 10, 1912.
37 Stat. 1616; TS 569; III Redmond 2685.

Supplementary extradition convention.
Signed at Tegucigalpa February 21, 1927;
entered into force June 5, 1928.
45 Stat. 2489; TS 761; IV Trenwith 4305; 85 LNTS 491.

MEXICO

Extradition treaty.

Signed at México February 22, 1899;
entered into force April 22, 1899.
31 Stat. 1818; TS 242; I Malloy 1184.

Supplementary extradition convention.

Signed at México June 25, 1902;
entered into force April 13, 1903.
TS 421; I Malloy 1193.

Supplementary extradition convention.

Signed at Washington December 23, 1925;
entered into force July 11, 1926.
44 Stat. 2409; TS 741; IV Trenwith 4452; 54 LNTS 441

Supplementary extradition convention.

Signed at México August 16, 1939;
entered into force April 14, 1941.
55 Stat. 1133; TS 967.

NICARAGUA

Treaty for the extradition of criminals.

Signed at Washington March 1, 1905;
entered into force July 14, 1907.
35 Stat. 1869; TS 462; II Malloy 1292.

PANAMA

Treaty providing for the extradition of criminals.

Signed at Panamá May 25, 1904;
entered into force May 8, 1905.
34 Stat. 2851; TS 445; II Malloy 1357.

PARAGUAY

Extradition treaty.

Signed at Asunción March 26, 1913;
entered into force January 17, 1914.
38 Stat. 1754; TS 584; III Redmond 2783.

PERU

Treaty providing for the extradition of criminals.
Signed at Lima November 28, 1899;
entered into force February 22, 1901.
31 Stat. 1921; TS 288; II Malloy 1445.

TRINIDAD AND TOBAGO

Extradition treaty between the United States and
the United Kingdom.
Signed at London December 31, 1931; applicable
to Trinidad and Tobago June 24, 1935. Trinidad
and Tobago agreed to assume the obligations and
responsibilities of this treaty on August 31, 1962.
47 Stat. 2122; TS 849; 163 UNTS 59.

URUGUAY

Extradition treaty.
Signed at Washington March 11, 1905;
entered into force June 4, 1908.
35 Stat. 2028; TS 501; II Malloy 1825.

VENEZUELA

Treaty of extradition, and additional article.
Signed at Caracas January 19 and 21, 1922;
entered into force April 14, 1923.
43 Stat. 1698; TS 675; IV Trenwith 4672; 49 LNTS 435.