

TREATY SERIES, No. 528

CONVENTION

BETWEEN

THE UNITED STATES AND PERU

ARBITRATION

SIGNED AT WASHINGTON, DECEMBER 5, 1908
RATIFICATION ADVISED BY THE SENATE, DECEMBER 10, 1908
RATIFIED BY THE PRESIDENT, MARCH 1, 1909
RATIFIED BY PERU, MAY 3, 1909
RATIFICATIONS EXCHANGED AT WASHINGTON, JUNE 29, 1909
PROCLAIMED, JUNE 30, 1909

WASHINGTON
GOVERNMENT PRINTING OFFICE

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BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

Whereas an Arbitration Convention between the United States of America and the Republic of Peru, was concluded and signed by their respective Plenipotentiaries at Washington on the fifth day of December, one thousand nine hundred and eight, the original of which Convention, being in the English and Spanish languages, is word for word as follows:

The Government of the United States of America, signatory of the two conventions for the Pacific Settlement of International Disputes, concluded at The Hague, respectively, on July 29, 1899, and October 18, 1907, and the Government of the Republic of Peru, adherent to the said convention of July 29, 1899, and signatory of the said convention of October 18, 1907;

Taking into consideration that by Article XIX of the convention of July 29, 1899, and by Article XL of the convention of October 18, 1907, the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplomacy, shall be referred to the

El Gobierno de la República del Perú, adherente al convenio de Julio 29 de 1899, y signatario del de Octubre 18 de 1907, ajustados en El Haya para el arreglo pacífico de conflictos internacionales, y el Gobierno de los Estados Unidos de América, signatario de ambos convenios;

Tomando en consideración que con arreglo á los artículos XIX del convenio de 29 de Julio de 1899, y XL del convenio de Octubre 18 de 1907, las Altas Partes Contratantes se han reservado el derecho de ajustar acuerdos, con objeto de acudir al arbitraje en todas las cuestiones que consideren posible someter á este procedimiento;

Han autorizado á los infrascritos para concluir el siguiente Convenio:

ARTÍCULO I.

Las diferencias de carácter legal ó relativas á la interpretación de tratados existentes entre las dos Partes Contratantes, que puedan suscitarse entre ambas y que no haya sido posible arreglar por la vía diplomática, serán sometidas

Permanent Court of Arbitration established at The Hague by the convention of the 29th July, 1899, for the pacific settlement of international disputes, and maintained by The Hague Convention of the 18th October, 1907; provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement, defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Peru shall be subject to the procedure required by the Constitution and laws thereof.

ARTICLE III.

The present Convention is concluded for a period of five years and shall remain in force thereafter until one year's notice of termination shall be given by either party.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of Peru in accordance with

al Tribunal Permanente de Arbitraje establecido en El Haya por el convenio de 29 de Julio de 1899, para el arreglo pacífico de conflictos internacionales y mantenido por el convenio de El Haya de 18 de Octubre de 1907, siempre que y con tal que no afecten los intereses vitales, la independencia, ó la honra de los Estados Contratantes y no atañen los intereses de terceras Partes.

ARTÍCULO II.

En cada caso particular las Altas Partes Contratantes antes de apelar al Tribunal Permanente de Arbitraje firmaran un compromiso especial que determine claramente la materia del litigio, el alcance de los poderes de los arbitros, y los plazos que se fijen para la constitución del Tribunal Arbitral y para sus procedimientos. Queda entendido que dichos acuerdos especiales, en lo que concierne al Perú, serán sometidos á las formalidades requeridas por su constitucion y leyes, y por lo que toca á los Estados Unidos, los llevará á cabo el Presidente de los Estados Unidos con el consejo y consentimiento del Senado.

ARTÍCULO III.

Se concluye el presente acuerdo por un período de cinco años y permanecerá en vigor hasta un año despues de que cualquiera de las Partes haya notificado á la otra su terminación.

ARTÍCULO IV.

El presente Convenio sera ratificado por el Presidente del Perú, conforme á la constitución y leyes del país y por el Presidente de los Estados Unidos de América de acuerdo y con el consentimiento

the constitution and laws thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Done in duplicate in the English and Spanish languages at Washington, this 5th day of December, in the year one thousand nine hundred and eight.

ELIHU ROOT
FELIPE PARDO

[SEAL]
[SEAL]

del Senado. Las ratificaciones de este Convenio serán canjeadas en Washington tan pronto como sea posible, y será efectivo desde la fecha del canje de sus ratificaciones.

Fecho, por duplicado, en lengua Española e Inglesa, en Washington, el día 5 de Diciembre del año mil novecientos ocho.

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the twenty-ninth day of June, one thousand nine hundred and nine;

Now, therefore, be it known that I, William Howard Taft, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this thirtieth day of June in the year of our Lord one thousand nine hundred and nine, and [SEAL] of the Independence of the United States of America the one hundred and thirty-third.

W^m H TAFT

By the President:
P C KNOX
Secretary of State.

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