

N° 176.

PAYS-BAS ET VENEZUELA

Traité concernant le rétablissement des relations diplomatiques entre les Pays-Bas et les États-Unis du Venezuela (et échange de notes y relatif), signé à Caracas, le 11 mai 1920.

THE NETHERLANDS AND VENEZUELA

Treaty concerning the Re-establishment of Diplomatic Relations between the Netherlands and the United States of Venezuela (and exchange of notes relating thereto), signed at Caracas on May, 11, 1920.

TEXTE HOLLANDAIS. — DUTCH TEXT.

No. 176.— VERDRAG¹ TOT HERSTEL DER DIPLOMATIEKE BETREK-
KINGEN TUSSCHEN HET KONINKRIJK DER NEDERLANDEN
EN DE VEREENIGDE STATEN VAN VENEZUELA (MET DAAROP
BETREKKING HEBBENDE UITWISSELING VAN NOTA'S). GE-
TEEKEND TE CARACAS 11 MEI, 1920.

*French, Spanish and Dutch official texts forwarded by the Minister for the Netherlands at Berne
The registration of this treaty took place on October 26, 1921.*

De Regeering van Hare MAJESTEIT DE KONINGIN DER NEDERLANDEN en de Regeering van de VEREENIGDE STATEN VAN VENEZUELA, bezielde door den oprechten wensch om de diplomatieke betrekkingen, tusschen de beide Staten te herstellen, hebben tot hare Gevolmachtigden benoemd, t. w. :

Hare MAJESTEIT DE KONINGIN DER NEDERLANDEN :

den Heer W. B. ENGELBRECHT, Speciaal Gedelegeerde der Nederlanden, en

De PRESIDENT DER VEREENIGDE STATEN VAN VENEZUELA :

den Heer Dr. E. Gil BORGES, Minister van Buitenlandsche Zaken,

die na elkander hunne in goeden en behoorlijken vorm bevonden volmachten te hebben medegedeeld, zijn overeengekomen nopens het volgende :

Art. 1.

De diplomatieke betrekkingen tusschen het Koninkrijk der Nederlanden en de Vereenigde Staten van Venezuela zullen hersteld zijn na de bekrachtiging van dit verdrag.

Art. 2.

De beide Regeeringen zullen het protocol van 20 Augustus 1894 blijven toepassen.

Art. 3.

Tot tijd en wijle, dat een handelsverdrag gesloten zal worden, zullen de Hooge Contracteerende Partijen elkander wederkeerig de behandeling verzekeren op den voet der meest begunstigde natie ter zake van alles wat betreft den handel, de nijverheid en de scheepvaart. Deze behandeling zal

¹ Ratifications exchanged at Caracas, February 23, 1921.

¹ TRADUCTIONS — TRANSLATIONS.N^o 319.

CARACAS, May 11, 1920.

YOUR EXCELLENCY,

At the moment when Your Excellency and myself are about to sign the Protocol regarding the renewal of diplomatic relations between our two countries, you have been good enough, with the approval of your Government, to inform me, in your Note of to-day's date, D. d. C. N^o 353, of the following :

The Venezuelan Government undertakes to pay, in the three months following the ratification of the afore mentioned Protocol, the sum of twenty thousand bolivars (Bs. 20,000) to the Netherlands Government through its Diplomatic Representative at Caracas, as an indemnity assessed by mutual agreement for damages caused by the seizure of the Dutch vessels *Estela*, *Penelope*, *Justicia*, *Carmita* and *Marion*.

It is understood that, as soon as this sum is paid, the Netherlands Government will immediately place the guard-ships, seized by its warships at Willemstad, at the disposal of a Delegate to be appointed for the purpose by the Venezuelan Government.

In reply I have the honour to inform you that I agree, on behalf of my Government, to adhere to this arrangement.

I have the honour, etc.,

(Signed) W. B. ENGELBRECHT.

MINISTRY OF FOREIGN AFFAIRS.

State Department.

N^o 353.

CARACAS, May 11, 1920.

YOUR EXCELLENCY,

At the moment when Your Excellency and myself are about to sign the Protocol regarding the renewal of diplomatic relations between our two countries, I have the honour, with the approval of my Government, to inform you of the following :

The Venezuelan Government undertakes to pay, in the three months following the ratification of the afore mentioned Protocol, the sum of twenty thousand bolivars (Bs. 20,000) to the Netherlands Government through its Diplomatic Representative at Caracas, as an indemnity assessed by mutual agreement, for damages caused by the seizure of the Dutch vessels *Estela*, *Penelope*, *Justicia*, *Carmita* and *Marion*.

It is understood that, as soon as this sum is paid, the Netherlands Government will immediately place the guard-ships, seized by its warships at Willemstad, at the disposal of a Delegate to be appointed for the purpose by the Venezuelan Government.

I have the honour, etc.,

(Signed) E. GIL BORGES.

His Excellency

M. W. B. ENGELBRECHT,

Plenipotentiary of Her Majesty the Queen of the Netherlands,

Caracas.

¹ Traduit par le Secrétariat de la Société des Nations.¹ Translated by the Secretariat of the League of Nations.

¹ TRANSLATION.

No. 176. — TREATY CONCERNING THE RE-ESTABLISHMENT OF DIPLOMATIC RELATIONS BETWEEN THE NETHERLANDS AND THE UNITED STATES OF VENEZUELA (AND EXCHANGE OF NOTES RELATING THERETO²), SIGNED AT CARACAS, ON MAY 11, 1920.

The GOVERNMENT OF HER MAJESTY THE QUEEN OF THE NETHERLANDS and the GOVERNMENT OF THE UNITED STATES OF VENEZUELA, being sincerely desirous of re-establishing diplomatic relations between the two countries, have appointed the following as their Plenipotentiaries :

FOR HER MAJESTY THE QUEEN OF THE NETHERLANDS :

M. W. B. ENGELBRECHT, Special Delegate of the Netherlands ; and

FOR THE PRESIDENT OF THE UNITED STATES OF VENEZUELA :

Dr. E. GIL BORGES, Minister for Foreign Affairs,

who, after having exchanged their full powers and found them to be in good and due form, concluded the following agreement :

Article 1.

Diplomatic relations between the Kingdom of the Netherlands and the United States of Venezuela shall be renewed from the date of the ratification of this Convention.

Article 2.

Both Governments shall continue to observe the Protocol of August 20th, 1894.

Article 3.

Pending the conclusion of a Commercial Treaty, the High Contracting Parties mutually undertake to afford each other the most favoured nation treatment in all matters relating to trade, industry and shipping. This treatment shall be accorded unconditionally in the case of any unconditional concession granted to a third Power ; should the concession be accorded conditionally, it shall be granted in return for the same or equivalent advantages, which shall be fixed by agreement between the Parties.

Article 4.

Señor H. Thielen shall be entitled to uphold before the competent Venezuelan Courts any claims against the State of Venezuela founded on the losses which Messrs. H. Thielen & Co. claim to have sustained as a result of the events which took place at Caracas on December 13th and 14th, 1908.

¹ Translated by the Secretariat of the League of Nations.

² For the exchange of notes see pages 90 and 91.

The High Contracting Parties agree that recourse shall not be had to diplomatic intervention except in the case of a denial of justice or in the case of obvious injustice.

Should the Government of the Netherlands consider that a case of this nature has arisen, it shall bring the fact to the notice of the Government of Venezuela.

Should the High Contracting Parties be unable to agree in this matter, the question shall be submitted to the decision of a Court composed of three jurists. Each of the High Contracting Parties shall appoint one arbitrator, and the arbitrators thus selected shall appoint the third.

Should the High Contracting Parties be unable to agree as regards the rules for the arbitration procedure, the rules laid down in the Hague Convention of July 29th, 1899, for the peaceful settlement of international disputes, shall be observed.

Further, should the arbitrators be unable to agree as regards the appointment of the third arbitrator, the regulations laid down by the above-mentioned Convention for the appointment of the third arbitrator shall be observed.

Article 5.

The provisions of Article 3 of the Convention shall become inoperative if the Commercial Treaty referred to in Article 3 shall not have been concluded within a period of five years after the date of the ratification of the Convention. If, within the last three months of the period mentioned in the previous paragraph, neither of the High Contracting Parties shall notify its intention of annulling the provisions of the above-mentioned Article 3, it shall be understood that this Article shall remain in force for a further year, and the same shall apply on each successive occasion.

Article 6.

This Convention shall be ratified in conformity with the Constitutions of the Contracting States, and the instruments of ratification shall be exchanged at Caracas as soon as possible after the date of ratification.

In testimony whereof we, the undersigned, have signed the present Convention in duplicate, in the Dutch and Spanish languages, and have thereto affixed our seals.

Done at Caracas, May 11, 1920.

(L. S.) E. GIL BORGES.

(L. S.) W. B. ENGELBRECHT.
