N° 3192.

COLOMBIE ET PÉROU

Accord relatif aux modalités d'exécution des solutions proposées par le Conseil de la Société des Nations dans le rapport qu'il a adopté le 18 mars 1933, signé à Genève, le 25 mai 1933, et lettre du président du Comité consultatif de la même date; et Acte de l'évacuation du territoire visé dans l'accord ci-dessus, signé à Leticia, le 23 juin 1933.

COLOMBIA AND PERU

Agreement relating to the Procedure for Putting into Effect the Recommendations proposed by the Council of the League of Nations in the Report which it adopted on March 18, 1933, signed at Geneva, May 25, 1933, and Letter from the President of the Advisory Committee of the same date; and Record of the Evacuation of the Territory referred to in the above-mentioned Agreement, signed at Leticia, June 23, 1933.
No. 3192.—AGREEMENT BETWEEN COLOMBIA AND PERU RELATING TO THE PROCEDURE FOR PUTTING INTO EFFECT THE RECOMMENDATIONS PROPOSED BY THE COUNCIL OF THE LEAGUE OF NATIONS IN THE REPORT WHICH IT ADOPTED ON MARCH 18TH, 1933. SIGNED AT GENEVA, MAY 25, 1933.

French and English official texts. This Agreement was registered with the Secretariat on May 25, 1933, the date of its entry into force.

The Advisory Committee recommends the Governments of Colombia and Peru to adopt the following procedure for putting into effect the recommendations embodied in the report adopted by the Council of the League of Nations¹ on March 18th in order to avoid any incident that might aggravate the relations between the two countries:

(r) The Governments of the Republic of Colombia and the Republic of Peru accept the recommendations approved by the Council of the League of Nations at its meeting

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¹ The provisions hereunder constitute the recommendations made by the Council in accordance with Article 15, paragraph 4, of the Covenant:

The Council,

1. Seeing that the situation resulting from the presence of Peruvian forces in Colombian territory is incompatible with the principles of international law, with those of the Covenant of the League of Nations and of the Pact of Paris, which are binding on the two Parties, and to which the settlement of the dispute must conform;

   And that it is necessary to establish as speedily as possible a situation in harmony with those principles;

   And that, moreover, the Government of Colombia has accepted the proposals made by the Council in its telegram dated January 26th, 1933, to the effect that the strictest precautions should be taken to avoid any violation of Peruvian territory and, in proceeding to the re-establishment of order, the Colombian authorities should show the requisite moderation:

   Recommends the complete evacuation by the Peruvian Forces of the territory contained in the Leticia Trapezium, and the withdrawal of all support from the Peruvians who have occupied that area.

2. Seeing that the Council has recognised the necessity for negotiations on the basis of the Treaties in force between the Parties for the purpose of discussing all the problems outstanding and the best manner of reaching a solution of them which shall be just, lasting and satisfactory;

   And that the discussion of these problems will include the examination of any legitimate Peruvian interests:

   Recommends that the negotiations be begun and carried out with all expedition, as soon as suitable measures shall have been taken to carry out the first recommendation.
on March 18th, 1933, under the terms of Article 15, paragraph 4. of the Covenant, and declare their intention to comply with those recommendations.

(2) The Council shall appoint a Commission which is to be at Leticia within a period not exceeding thirty days. The Peruvian forces in that territory shall withdraw immediately upon the Commission's arrival, and the Commission, in the name of the Government of Colombia, shall take charge of the administration of the territory evacuated by those forces.

(3) For the purpose of maintaining order in the territory which it is to administer, the Commission shall call upon military forces of its own selection, and may attach to itself any other elements it may deem necessary.

(4) The Commission shall have the right to decide all questions relating to the performance of its mandate. The Commission's term of office shall not exceed one year.

(5) The Parties shall inform the Advisory Committee of the Council of the League of Nations of the method whereby they propose to proceed to the negotiations contemplated in No. 2 of the recommendations of March 18th, 1933, and the Committee shall report to the Council accordingly.

(6) The Council of the League of Nations reminds the Parties that it has declared itself ready to lend its good offices at the request of either Party in case of disagreement as to any point either of procedure or of substance which may arise. The Council considers that it cannot withhold its attention from developments in the dispute.

(7) The Government of the Republic of Colombia will take upon itself the expenses involved by the working of the Commission and the administration of the territory to which the mandate conferred on the Commission relates.

(8) In consequence of the acceptance of the foregoing proposals, the Governments of Colombia and Peru shall give the necessary orders for all acts of hostility to cease on either side and for the military forces of each country to remain strictly within its frontiers.

The undersigned, Representatives of the Governments of Colombia and Peru, accept, on behalf of their Governments, the procedure for putting into effect the recommendations proposed by the Council in the report which it adopted on March 18th, 1933, in the form proposed by the Advisory Committee and approved by the Council at its meeting of May 25th, 1933. They recognise that the meaning of certain points in this procedure is defined in the annexed letters dated May 25th, 1933, addressed by the President of the Advisory Committee, with the approval of the Council, to the two above-mentioned Governments.
En foi de quoi le présent instrument a été dressé en trois exemplaires, l'un destiné au Gouvernement de la Colombie, l'autre au Gouvernement du Pérou, et le troisième devant être déposé dans les archives du Secrétariat de la Société des Nations.

Fait à Genève, le 25 mai 1933.

L'Envoyé extraordinaire et Ministre plénipotentiaire de la Colombie, délégué permanent a. i. auprès de la Société des Nations :

Eduardo SANTOS.

L'Envoyé extraordinaire et Ministre plénipotentiaire du Pérou, délégué permanent auprés de la Société des Nations :

F. García CALDERÓN.

Le Président du Conseil de la Société des Nations :

J. Castillo NÁJERA.

Done at Geneva, May 25th, 1933.

Envoy Extraordinary and Minister Plenipotentiary of Colombia, Permanent Delegate a. i. to the League of Nations:

Envoy Extraordinary and Minister Plenipotentiary of Peru, Permanent Delegate to the League of Nations:

The President of the Council of the League of Nations:

SIR,

The Committee of which I have the honour to be Chairman desires me to place on record for the information of your Government certain commentaries on the agreement which has now happily been come to between the Governments of Peru and Colombia.

In paragraph 2 of that agreement it is stated that the Peruvian forces which are at Leticia will evacuate that territory as soon as the Commission arrives on the spot. The Committee understands that the Colombian forces which have occupied Guapi and other posts on the Peruvian bank of the Putumayo will evacuate those posts simultaneously with the evacuation by the Peruvian forces of Leticia and will hand them over to the Peruvian Government.

Article 3. — The Commission shall call upon military forces of its own selection, and may attach to itself any other elements it may deem necessary for the purpose of maintaining order in the territory which it is to administer. The Committee understands that the Commission will itself be judge of the number of forces required for this purpose, but it will not ask for any further forces than may, in its judgment. be required for the maintenance of order.

LEAGUE OF NATIONS


SOCIETÉ DES NATIONS

Letter from the Chairman of the Advisory Committee to the Representatives of Colombia and Peru.
Article 5. — In order that there may be no misunderstanding as to the exact scope of the negotiations, the Committee thinks it well to quote in full the text of the recommendation of the Council on this point:

"Seeing that the Council has recognised the necessity for negotiations on the basis of the Treaties in force between the Parties for the purpose of discussing all the problems outstanding and the best manner of reaching a solution of them which shall be just, lasting and satisfactory;

"And that the discussion of these problems will include the examination of any legitimate Peruvian interests;

"Recommends that the negotiations be begun and carried out with all expedition, as soon as suitable measures shall have been taken to carry out the first recommendation."

I have the honour to be, Sir, Your obedient Servant

(Signed) Sean LESTER,
President of the Advisory Committee.

His Excellency Dr. Santos,
Envoy Extraordinary and
Minister Plenipotentiary,
Permanent Delegate a.i. to the
League of Nations,
Hôtel des Bergues,
Genève.

His Excellency Dr. F. García Calderón,
Envoy Extraordinary and
Minister Plenipotentiary,
Permanent Delegate to the
League of Nations,
Hôtel Richemond,
Genève.

1 Traduction. — Translation.

LETTRE DE M. LE PRÉSIDENT DU COMITÉ CONSULTATIF À MM. LES REPRÉSENTANTS DE LA COLOMBIE ET DU PéROU.

SOCIÉTÉ DES NATIONS

LEAGUE OF NATIONS

GENÈVE, le 25 mai 1933.

Monsieur le Ministre,

Le comité que j'ai l'honneur de présider me charge de consigner par écrit, pour l'information de votre gouvernement, certaines observations relatives à l'accord qui vient, si heureusement, d'intervenir entre les Gouvernements de la Colombie et du Pérou.

Au paragraphe 2 de cet accord, il est dit que les forces péruviennes qui se trouvent à Leticia évacueront ce territoire dès l'arrivée de la commission sur les lieux. Selon le comité, cette disposition signifie que les forces colombiennes qui ont occupé Guapi ainsi que d'autres postes sur la rive péruvienne du Putumayo évacueront ces postes au même moment que les forces péruviennes évacueront Leticia et les remettront au Gouvernement péruvien.

Article 3. — La commission, pour maintenir l'ordre dans le territoire qu'elle aura à administrer, fera appel à des forces militaires de son choix et pourra s'attacher les autres éléments qu'elle jugera nécessaires. Selon le comité, cet article signifie que la commission déterminera elle-même l'effectif des forces dont elle aura besoin à cet effet, mais qu'elle ne demandera pas des effectifs supérieurs à ceux qu'elle jugera nécessaires pour le maintien de l'ordre.

1 Traduit par le Secrétariat de la Société des Nations, à titre d'information.

1 Translated by the Secretariat of the League of Nations, for information.
TRANSLATION.

RECORD OF THE EVACUATION


In Leticia at 3 p.m. on the twenty-third day of June, one thousand nine hundred and thirty-three, on board the B. A. P. Morona anchored in that bay, of the one part:

M. Cesar A. Velarde Mas, Prefect of the Department of Loreto of the Republic of Peru, appointed by the Peruvian Government to give effect on behalf of Peru to Article 2 of the Agreement signed at Geneva on May 25th, 1933, between the representatives of the Government of the Republic of Colombia and of the Republic of Peru; and Colonel Arthur W. Brown, Captain Alberto de Lemos Basto, Captain Francisco Yglesias, Commissioners, and M. Armando Mencia, Secretary-General, constituting the Administrative Commission for the Territory of Leticia appointed by the League of Nations under the Agreement signed at Geneva on May 25th, 1933, of the other part;

Who, having exchanged their respective credentials, found in good and due form, proceeded as follows:

First: M. Cesar A. Velarde Mas informed the Administrative Commission for the Territory of Leticia that the territory referred to in the Agreement signed at Geneva on May 25th, 1933, of which a copy is attached, has been entirely evacuated by the Peruvian forces;

Secondly: As from this moment the Administrative Commission for the Territory of Leticia takes over the administration on behalf of the Colombian Government of the territory referred to in the Agreement signed at Geneva on May 25th, 1933, evacuated by the Peruvian forces;

Thirdly: On June 20th, 1933, the Commission received a telegram from the Colombian Minister for Foreign Affairs reading as follows. Stop. Quote.

Colonel Arthur W. Brown. We have the honour to acknowledge receipt of your communication informing us that the Administrative Commission for the Territory of Leticia appointed by the League of Nations and consisting of the Commissioners Colonel Arthur W. Brown, Captain Alberto de Lemos Basto, Captain Francisco Yglesias and Doctor Armando Mencia, Secretary-General, was constituted on the nineteenth day of June one thousand nine hundred and thirty-three, when it held its first plenary meeting at Tefé (Brazil), all its members being present on board the Colombian steamship Mosquera. Stop. My Government has noted that the Commission has adopted a flag consisting of a white rectangle with the inscription in dark blue “League of Nations Commission, Leticia”, which it will use to distinguish it, and which will be flown side by side with the Colombian flag once the territory of Leticia has been evacuated. The Colombian Government is gratified by the appointment of the Commission for the Administration of Leticia and has duly noted that the Commission has arranged to be at Leticia on the

1 Translated by the Secretariat of the League of Nations, for information.

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morning of June 23rd. It has accordingly given the necessary instructions for the
Colombian troops which are occupying Peruvian territory to be withdrawn on that day
in accordance with Article 2 of the Agreement of May 25th, 1933.

(Signed) R. URDANETA ARBELAEZ,
Colombian Minister for Foreign Affairs.

Stop. Unquote.

The Commission communicated the whole of the last paragraph of this telegram to the Peruvian
Minister for Foreign Affairs in telegram No. 29 of June 20th, 1933, signed by the President of the
Commission.

Fourthly: M. Cesar A. VELARDE MAS having stated that the Peruvian forces which are to
evacuate Buenos Aires on the River Cotuhé will be obliged to proceed along the River Putumayo
in the direction of the Peruvian Amazon, passing through Tarapacá, the following telegrams were sent. Stop.

Quote Express, Urgent, Leticia, June 23rd, 1933. General ROJAS, Tarapacá, 37.
The Prefect of Loreto appointed by the Peruvian Government to hand over to the
Administrative Commission for the Territory of Leticia the portion of the territory of
the Leticia trapezium occupied by the Peruvian forces, has asked the Commission to
request you to be good enough to allow the Peruvian vessel Estefita carrying the Peruvian
forces who are evacuating the said territory to leave the Leticia trapezium by the River
Cotuhé for the Putumayo in the direction of the Peruvian Amazon. Stop. With a view
to carrying out the Agreement of May 25th, 1933, we request you to give the necessary
instructions and to acknowledge receipt of this telegram to Arthur W. Brown, President
of the Administrative Commission for the Territory of Leticia (Tabatinga). Stop. Commis-
ssion is at present on board B. A. P. Morona anchored off Leticia. Arthur W. BROWN,
President of the Commission. Stop. Unquote.

SARMIENTO, Iquitos. Colonel Brown has despatched the following radiogram: “Leticia,
June 23rd, 1933. General Rojas, Tarapacá. The Prefect of Loreto appointed by the
Peruvian Government to hand over to the Administrative Commission for the Territory
of Leticia the portion of the territory of the Leticia trapezium occupied by the Peruvian
forces, has asked the Commission to request you to be good enough to allow the Peruvian
vessel Estefita carrying the Peruvian forces who are evacuating the said territory to
leave the Leticia trapezium by the River Cotuhé for the Putumayo in the direction of
the Peruvian Amazon. With a view to carrying out the Agreement of May 25th, 1933,
we request you to give the necessary instructions and to acknowledge receipt of this
telegram to Arthur W. Brown, President of the Administrative Commission for the
Territory of Leticia, Tabatinga. Commission is at present on board B. A. P. Morona

Consequently and in order to place this on record in the act relating to the handing
over of Leticia, it is advisable to arrange for the launch Estefita and the Peruvian troops
on the Cotuhé to leave in the direction of the Peruvian Amazon. Prefect VELARDE MAS.

Fifthly: A telegram sent to Colonel Arthur W. Brown, President of the Commission and signed
by His Excellency M. J. M. Manzanilla, Peruvian Minister for Foreign Affairs, was submitted by
M. César A. Velarde Mas. This reads as follows: Stop.

Quote. Colonel Arthur W. BROWN, President, International Commission for
administering Leticia. Leticia. Yesterday the 21st I sent a cable which I fear may have
been delayed in transmission and I therefore beg to repeat it. The cable reads: Stop 3.
After despatching my telegrams 1 and 2, I received at 3 p.m. to-day your telegram No. 21
with an explanation transmitted to us by All America Cables as having been sent from
« All America Cables » nous transmet comme étant envoyée de Bogotá, d’après laquelle le télégraphiste du Palais du Gouvernement à Bogotá avise que le télégramme N° 21 a subi un retard en raison de la difficulté qu’il y a à transmettre des messages du vapeur Mosquera à Bogotá. Mon Gouvernement note avec satisfaction que la Commission d’administration du territoire de Leticia nommée par la Société des Nations et composée du colonel Arthur W. Brown, du capitaine Alberto de Lemos Basto, du capitaine Francisco Yglesias, membres, et de M. Armando Mencia, secrétaire général, s’est constituée le 19 courant à Taffé, où elle a tenu, à bord du vapeur colombien Mosquera, sa première séance plénière à laquelle assistaient tous ses membres ; que, pendant le premier mois, la Commission sera présidée par vous et qu’elle a adopté un pavillon dont vous me décrivez les caractéristiques et qui sera arboré à Leticia conjointement avec le drapeau colombien, après l’évacuation de ce territoire ; enfin, que la Commission a décidé de se présenter à Leticia le 23 courant au matin aux fins d’application de l’article deux de l’Accord du 25 mai dernier et qu’à cet effet les gouvernements du Pérou et de la Colombie en sont informés afin qu’ils prennent les mesures nécessaires à cet égard. Saisi des renseignements qui précèdent et confirmant mes dépêches antérieures, mon Gouvernement espère que seul sera arboré le pavillon de la Commission, symbole de paix et de bonne volonté, sans prendre en considération le fait que serait également arboré le drapeau colombien, étant donné que Leticia est livrée par le Pérou à la Société des Nations, laquelle dans l’accord du 25 mai s’est exprimée nettement sur tous les points, s’abstenant de déclarer que le drapeau de la Colombie flotterait à Leticia. En outre, mon Gouvernement considère comme essentiel le fait que Leticia est internationalisée et que, dans ces conditions, le pavillon d’une nation déterminée ne saurait flotter conjointement avec le drapeau international. Dans cette pensée je réitère au nom de mon Gouvernement son intention de donner à la Commission que vous présidez toutes les facilités qui peuvent dépendre de lui pour qu’elle puisse s’acquitter le mieux possible de la haute mission qui lui a été confiée et mon Gouvernement lui renouvelle par votre intermédiaire les saluts et vœux cordiaux que j’ai déjà eu l’honneur de lui exprimer. (Signé) J. M. MANZANILLA, Ministre des Affaires étrangères.

La Commission a exposé à M. César A. VELARDE MAS les raisons pour lesquelles elle ne peut s’abstenir d’arborer le drapeau colombien sur le territoire de Leticia après l’évacuation de ce dernier par les forces péruviennes, en vertu de la recommandation adoptée le 18 mars 1933 par le Conseil de la Société des Nations et de l’Accord sur les modalités d’application de cette recommandation signé à Genève le 25 mai 1933 par les représentants du Gouvernement colombien et du Gouvernement péruvien, accord qui stipule dans ses deux premiers articles que la Commission administre le territoire au nom du Gouvernement colombien, ce qui implique par voie de conséquence la nécessité d’arborer le drapeau colombien sur le territoire de Leticia sans que ce point puisse donner lieu à une discussion quelconque.

M. César A. VELARDE MAS, après avoir écouté cette interprétation correcte de la Commission, en a pris note et a prié le Président de la Commission de notifier au ministre des Affaires étrangères du Pérou les raisons qui ont inspiré la Commission dans sa manière de voir.

La Commission a accepté cette suggestion et, d’accord avec M. César A. Velarde Mas, il a été établi que la communication de ces actes au ministre des Affaires étrangères du Pérou servirait de notification officielle. Il a fait, en outre, prendre acte du fait qu’en exécution des instructions de son Gouvernement il fait enregistrer sa protestation contre la décision de la Commission d’arborer à Leticia le drapeau colombien, étant donné qu’il estime que, pour les fins que poursuit la Commission, le pavillon de cette dernière suffirait ou alors, si l’on arboré le drapeau colombien, il convient d’arborer également le drapeau péruvien.

Sixièmement. — En raison du temps consacré à la préparation de l’acte d’évacuation et de l’impossibilité matérielle qu’il y avait à préparer un logement dans le bourg de Leticia qui, dans les conditions actuelles, ne dispose pas de locaux adéquats, la Commission a accepté l’hospitalité qui lui a été offerte par M. Cesar A. Velarde Mas et par le commandant du B. A. P. Morona, l’invitant à passer la nuit à bord de ce bâtiment.
Bogotá, to the effect that the telegraphist of Government House at Bogotá states that telegram No. 21 was delayed owing to the difficulty of transmitting the message from the S. S. Mosquera to Bogotá. Stop. My Government is gratified to note that the Administrative Commission for the Territory of Leticia appointed by the League of Nations and consisting of the Commissioners Colonel Arthur W. Brown, Captain Alberto de Lemos Basto, Captain Francisco Yglesias, Dr. Armando Mencia, Secretary-General, was constituted on June 19th, at Teffé, where it held its first plenary meeting, all its members being present on board the Colombian steamship Mosquera and that during the first month the Commission will be presided over by you.

It has adopted a flag the nature of which you have kindly described and which will be flown in Leticia after the evacuation of that territory side by side with the Colombian flag. You also inform me that the Commission has arranged to arrive at Leticia on the morning of the 23rd instant for the purposes of Article 2 of the Agreement of May 25th last, and accordingly request the Governments of Peru and Colombia to take the necessary steps in this connection. My Government has noted the foregoing information and confirms my previous telegrams; it hopes that only the Commission’s flag, the symbol of peace and good will, will be flown and does not consider it advisable that the Colombian flag should also be flown, since Leticia has been handed over by Peru to the League of Nations. This was clearly stated in the Agreement of May 25th in which there was no suggestion that the Colombian flag should be flown in Leticia. My Government also considers it a fundamental principle that Leticia has been internationalised and that under these conditions it is not possible for the flag of any particular national to be flown side by side with the international flag. Stop. In this connection I would repeat on behalf of my Government its proposal to afford the Commission over which you preside every possible facility in carrying out the important duties with which it has been entrusted. I have the honour, etc., (Signed) J. M. MANZANILLA, Minister for Foreign Affairs. Stop. Unquote.

The Commission explained to M. César A. VELARDE MAS the reasons why the Commission cannot refrain from hoisting the Columbian flag in the territory of Leticia as soon as this has been evacuated by the Peruvian forces, in view of the recommendation adopted by the Council of the League of Nations on March 18th, 1933, and the Agreement relating to the conditions of application of that recommendation signed at Geneva on May 25th, 1933, by the representatives of the Colombian and Peruvian Governments, the first two articles of which stipulate that the Commission shall administer the territory on behalf of the Colombian Government, which consequently implies the necessity to fly the Colombian flag in the territory of Leticia a point which cannot be disputed.

M. César A. Velarde Mas, after hearing this correct interpretation by the Commission took note of it and requested the President of the Commission to inform the Peruvian Minister for Foreign Affairs of the reasons which had led the Commission to take this view.

The Commission accepted the suggestion to notify the Peruvian Government, and with the approval of M. César A. Velarde Mas, it was decided that the communication of the record of these proceedings to His Excellency the Peruvian Minister for Foreign Affairs should serve as official notification. M. César A. Velarde Mas also stated that, acting on the instructions of his Government, he wished to place on record his protest in respect of the Commission’s decision to fly the Colombian flag in Leticia, as that Government considers that for the purposes of the Commission, the latter’s flag would be sufficient, or that if the Colombian flag is hoisted the Peruvian flag should also be flown.

Sixthly. In view of the time taken in preparing the record of the evacuation and the material impossibility of obtaining accommodation in the township of Leticia, which is at present uninhabitable, the Commission accepted the hospitality of M. César A. Velarde Mas and the Commander of the B. A. P. Morona to spend the night on this vessel and accordingly authorised the B. A. P. Morona to remain in the waters of Leticia until 11 a. m. on the twenty-fourth day of June one

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thousand nine hundred and thirty-three, as both Parties consider that the presence of the said Peruvian vessel in these waters under these conditions does not in any way affect the execution of Article 2 of the Agreement of the twenty-fifth day of May, one thousand nine hundred and thirty-three.

In faith whereof they have signed the present record of evacuation in four original copies of like tenor, of which one will be sent to the Colombian Government, another to the Peruvian Government, another to the League of Nations through the Commission, while another will remain in the archives of the Administrative Commission for the Territory of Leticia for the purposes for which it may be required, on board the B. A. P. Morona anchored in the waters of Leticia at ten p. m. on the twenty-third day of June one thousand nine hundred and thirty-three.

César A. Velarde y Mas.

A. W. Brown.

Alberto de Lemos Basto.

Francisco Yglesia.

Armando Mencía.