

N° 3743.

ESPAGNE ET PANAMA

Traité d'arbitrage. Signé à Panama,
le 22 septembre 1930.

SPAIN AND PANAMA

Treaty of Arbitration. Signed at
Panama, September 22nd, 1930.

TEXTE ESPAGNOL. — SPANISH TEXT.

Nº 3743. — TRATADO DE ARBITRAJE ¹ ENTRE ESPAÑA Y PANAMA.
FIRMADO EN PANAMA, EL 22 DE SETIEMBRE DE 1930.

Texte officiel espagnol communiqué par l'envoyé extraordinaire et ministre plénipotentiaire d'Espagne à Berne. L'enregistrement de ce traité a eu lieu le 8 octobre 1935.

Spanish official text communicated by the Spanish Envoy Extraordinary and Minister Plenipotentiary at Berne. The registration of this Treaty took place October 8th, 1935.

EL EXCMO. SEÑOR PRESIDENTE DE LA REPÚBLICA DE PANAMÁ y SU MAJESTAD EL REY DE ESPAÑA, para afirmar la amistad cordial y la recíproca alta consideración entre ambas naciones en un acto que corresponda igualmente al progreso en el orden jurídico y al espíritu de las relaciones internacionales en el momento actual, han acordado celebrar un Tratado de Arbitraje lo más amplio y completo y compatible con el Estatuto² de la Corte Permanente de Justicia Internacional instituida por la Sociedad de las Naciones, de que son también signatarias.

Para ese efecto, EL EXCMO. SEÑOR PRESIDENTE DE LA REPÚBLICA DE PANAMÁ ha designado a Su Excelencia el Señor Doctor Ricardo A. MORALES, su Subsecretario de Relaciones Exteriores, encargado del despacho.

SU MAJESTAD EL REY DE ESPAÑA, al Excmo. Sr. D. Luis MARTÍNEZ DE IRUJO, Marqués de los Arcos, su Enviado Extraordinario y Ministro Plenipotenciario en la República de Panamá.

Quienes, después de haber canjeado sus Plenos Poderes, hallados en buena y debida forma, han convenido en lo siguiente :

Artículo I.

Las Altas Partes contratantes se obligan a someter a juicio arbitral todas las controversias de cualquier naturaleza que por cualquier causa surgieren entre ellas, siempre que no puedan ser resueltas por negociación directa.

Artículo II.

No podrán renovarse en virtud de este Tratado las cuestiones que hayan sido objeto de Arreglos definitivos entre ambas Altas Partes. En tal caso, el arbitraje se limitará exclusivamente a las cuestiones que se susciten sobre validez, interpretación y cumplimiento de dichos Arreglos.

¹ L'échange des ratifications a eu lieu à Madrid, le 21 septembre 1935.

² Vol. VI, page 379 ; vol. XI, page 404 ; vol. XV, page 304 ; vol. XXIV, page 152 ; vol. XXVII, page 416 ; vol. XXXIX, page 165 ; vol. XLV, page 96 ; vol. L, page 159 ; vol. LIV, page 387 ; vol. LXIX, page 70 ; vol. LXXII, page 452 ; vol. LXXXVIII, page 435 ; vol. LXXXVIII, page 272 ; vol. XCII, page 362 ; vol. XCVI, page 180 ; vol. C, page 153 ; vol. CIV, page 492 ; vol. CVII, page 461 ; vol. CXI, page 402 ; vol. CXVII, page 46 ; vol. CXXVI, page 430 ; vol. CXXX, page 440 ; vol. CXXXIV, page 392 ; vol. CXLVII, page 318 ; vol. CLII, page 282 ; vol. CLVI, page 176 ; et vol. CLX, page 325, de ce recueil.

¹ The exchange of ratifications took place at Madrid, September 21st, 1935.

² Vol. VI, page 379 ; Vol. XI, page 405 ; Vol. XV, page 305 ; Vol. XXIV, page 153 ; Vol. XXVII, page 417 ; Vol. XXXIX, page 165 ; Vol. XLV, page 96 ; Vol. L, page 159 ; Vol. LIV, page 387 ; Vol. LXIX, page 70 ; Vol. LXXII, page 452 ; Vol. LXXXVIII, page 435 ; Vol. LXXXVIII, page 272 ; Vol. XCII, page 362 ; Vol. XCVI, page 180 ; Vol. C, page 153 ; Vol. CIV, page 492 ; Vol. CVII, page 461 ; Vol. CXI, page 402 ; Vol. CXVII, page 46 ; Vol. CXXVI, page 430 ; Vol. CXXX, page 440 ; Vol. CXXXIV, page 392 ; Vol. CXLVII, page 318 ; Vol. CLII, page 282 ; Vol. CLVI, page 176 ; and Vol. CLX, page 325, of this Series.

¹ TRANSLATION.

No. 3743. — TREATY OF ARBITRATION BETWEEN SPAIN AND PANAMA. SIGNED AT PANAMA, SEPTEMBER 22ND, 1930.

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF PANAMA and HIS MAJESTY THE KING OF SPAIN, in order to confirm the sincere friendship between both nations and their mutual high esteem by an act in accordance with legal progress and the spirit of present day international relations, have agreed to conclude a broad and comprehensive Treaty of Arbitration in conformity with the Statute of the Permanent Court of International Justice set up by the League of Nations of which they are also signatories.

To this end, HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF PANAMA has appointed His Excellency Dr. Ricardo A. MORALES, His Under-Secretary for Foreign Affairs, in charge of the Department ;

HIS MAJESTY THE KING OF SPAIN, His Excellency Dr. Luis MARTÍNEZ DE IRUJO, Marquis de los Arcos, His Envoy Extraordinary and Minister Plenipotentiary in the Republic of Panama ;

Who, having exchanged their full powers, found in good and due form, have agreed as follows :

Article I.

The High Contracting Parties undertake to submit to arbitration all disputes of every kind which may for any reason arise between them and which it may not be possible to settle by direct negotiation.

Article II.

Questions which have been finally settled between the High Contracting Parties may not be re-opened under the present Treaty. In such cases, the arbitral procedure shall be exclusively confined to questions which may arise as to the validity, interpretation and execution of the said settlements.

Article III.

For the decision of the questions submitted to arbitration in execution of the present Treaty, the office of arbitrator shall preferably be entrusted to the Chief of State of one of the Spanish-American Republics, or the President of a Spanish-American High Court or Tribunal, or, failing these, to a tribunal composed of Panaman, Spanish or Spanish-American judges and experts.

Article IV.

The High Contracting Parties shall in each individual case sign a special agreement specifying the arbitrator appointed, the extent of his powers, the substance of the dispute, the time allowed and the details of costs and procedure.

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

Article V.

Except in a case of miscarriage of justice, Article I of the present Treaty shall not be applicable to questions which may arise between a national of one of the High Contracting Parties and the other State if, according to the law of such State, its judges or tribunals are competent to pass sentence on the matter in question. Nevertheless, the decision as to whether or no a question is one of miscarriage of justice may be a case for arbitration.

Article VI.

The present Treaty shall remain in force for ten years from the date of the exchange of ratifications.

If, twelve months before the termination of the said period, neither High Contracting Party shall have declared its intention to terminate the present Treaty, the latter shall remain in force until one year from the date on which either of the High Contracting Parties denounces it.

Article VII.

The present Treaty shall be ratified by the High Contracting Parties in accordance with their respective laws, and the ratifications shall be exchanged at Madrid as soon as possible.

In faith whereof the above-mentioned Plenipotentiaries have signed the present Treaty and have thereto affixed their seals.

Done in duplicate at Panama, on the twenty-second day of September, one thousand nine hundred and thirty.

(Signed) Luis MARTÍNEZ DE IRUJO.

(Signed) Ricardo A. MORALES.