

N° 263.

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ÉTATS-UNIS D'AMÉRIQUE  
ET COLOMBIE

Traité en vue de régler les différends  
auxquels ont donné lieu les évé-  
nements survenus dans l'Isthme de  
Panama en novembre 1903, signé  
à Bogota le 6 avril 1914.

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UNITED STATES OF AMERICA  
AND COLOMBIA

Treaty for the settlement of the  
differences arising out of the  
events which took place on the  
Isthmus of Panama in November  
1903, signed at Bogota, April 6,  
1914.

No. 263. — TREATY<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF COLOMBIA FOR THE SETTLEMENT OF THEIR DIFFERENCES ARISING OUT OF THE EVENTS WHICH TOOK PLACE ON THE ISTHMUS OF PANAMA IN NOVEMBER 1903, SIGNED AT BOGOTA, APRIL 6, 1914.

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*English and Spanish official texts<sup>2</sup> communicated by the Minister of Colombia at Berne. The registration of this Treaty took place on May 18, 1922.*

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MINISTRY FOR FOREIGN AFFAIRS.

I, Jorge HOLGUIN, First Designate to exercise the Executive Power of Colombia,  
To all to whom these presents may come, Greeting!

Be it known that a Treaty between the Republic of Colombia and the United States of America, for the settlement of their differences arising out of the events which took place in the Isthmus of Panama in November 1903, was signed at Bogota, on April 6, 1914, by the respective Plenipotentiaries of the High Contracting Parties already mentioned, the literal text of which, word for word, reads as follows :—

TREATY

between the UNITED STATES OF AMERICA and the REPUBLIC OF COLOMBIA for the settlement of their differences arising out of the events which took place on the Isthmus of Panama in November 1903.

The United States of America and the Republic of Colombia, being desirous to remove all the misunderstandings growing out of the political events in Panama in November 1903 ; to restore the cordial friendship that formerly characterized the relations between the two countries and also to define and regulate their rights and interests in respect of the Interoceanic Canal which the Government of the United States is constructing across the Isthmus of Panama, have resolved for this purpose to conclude a Treaty and have accordingly appointed as their Plenipotentiaries :

HIS EXCELLENCY THE PRESIDENT OF THE UNITED STATES OF AMERICA :

Thaddeus Austin THOMSON, Envoy Extraordinary and Minister Plenipotentiary of the United States of America to the Government of the Republic of Colombia ; and

HIS EXCELLENCY THE PRESIDENT OF THE REPUBLIC OF COLOMBIA :

Francisco José URRUTIA, Minister for Foreign Affairs ;  
Marco Fidel SUAREZ, First Designate to exercise the Executive Power ;

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<sup>1</sup> For the exchange of ratifications see page 311.

<sup>2</sup> Only the English text of the actual Treaty was presented to the Secretariat. The other texts were translated from the Spanish by the Secretariat of the League of Nations.

Nicolas ESGUERRA, ex-Minister of State ;  
José Maria Gonzalez VALENCIA, Senator ;  
Rafael URIBE URIBE, Senator ; and  
Antonio José URIBE, President of the House of Representatives ;

Who, after communicating to each other their respective full powers, which were found to be in due and proper form, have agreed upon the following :

*Article 1.*

The Government of the United States of America, wishing to put at rest all controversies and differences with the Republic of Colombia arising out of the events from which the present situation on the Isthmus of Panama resulted, expresses, in its own name and in the name of the people of the United States, sincere regret that anything should have occurred to interrupt or to mar the relations of cordial friendship that had so long subsisted between the two nations.

The Government of the Republic of Colombia, in its own name and in the name of the Colombian people, accepts this declaration in the full assurance that every obstacle to the restoration of complete harmony between the two countries will thus disappear.

*Article 2.*

The Republic of Colombia shall enjoy the following rights in respect to the Interoceanic Canal and the Panama Railway :

(1.) The Republic of Colombia shall be at liberty at all times to transport through the Interoceanic Canal its troops, materials of war and ships of war, even in case of war between Colombia and another country, without paying any charges to the United States.

(2.) The products of the soil and industry of Colombia passing through the Canal, as well as the Colombian mails, shall be exempt from any charge or duty other than those to which the products and mails of the United States may be subject. The products of the soil and industry of Colombia, such as cattle, salt and provisions, shall be admitted to entry in the Canal Zone, and likewise in the islands and mainland occupied or which may be occupied by the United States as auxiliary and accessory thereto, without paying other duties or charges than those payable by similar products of the United States.

(3.) Colombian citizens crossing the Canal Zone shall, upon production of proper proof of their nationality, be exempt from every toll, tax or duty to which citizens of the United States are not subject.

(4.) During the construction of the Interoceanic Canal and afterwards, whenever traffic by the Canal is interrupted or whenever it shall be necessary for any other reason to use the railway, the troops, materials of war, products and mails of the Republic of Colombia, as above mentioned, shall, even in case of war between Colombia and another country, be transported on the railway between Ancon and Cristobal or on any other railway substituted therefor, paying only the same charges and duties as are imposed upon the troops, materials of war, products and mails of the United States. The officers, agents and employees of the Government of Colombia shall, upon productions of proper proof of their official character or their employment, also be entitled to passage on the said railway on the same terms as officers, agents and employees of the Government of the United States. The provisions of this paragraph shall not, however, apply in case of war between Colombia and Panama.

(5.) Coal, petroleum and sea salt, being the products of Colombia, passing from the Atlantic coast of Colombia to any Colombian port on the Pacific coast and *vice versa*, shall be transported over the aforesaid railway free of any charge except the actual cost of handling and transpor-

tation, which shall not in any case exceed one-half of the ordinary freight charges levied upon similar products of the United States passing over the railway and in transit from one port to another of the United States.

*Article 3.*

The United States of America agrees to pay to the Republic of Colombia, within six months after the exchange of the ratifications of the present Treaty, the sum of twenty-five million dollars, gold, United States money.

*Article 4.*

The Republic of Colombia recognises Panama as an independent nation taking as a basis the Colombian Law of June 9, 1855, agrees that the boundary shall be the following: From Cape Tiburon to the headwaters of the Rio de La Miel and following the mountain chain by the ridge of Gandi to the Sierra de Chugargun and that of Mali going down by the ridges of Nigue to the heights of Aspave and from thence to a point on the Pacific half way between Cocalito and La Ardita.

In consideration of this recognition, the Government of the United States will, immediately after the exchange of the ratifications of the present Treaty, take the necessary steps in order to obtain from the Government of Panama the despatch of a duly accredited agent to negotiate and conclude with the Government of Colombia a Treaty of Peace and Friendship, with a view to bring about both the establishment of regular diplomatic relations between Colombia and Panama and the adjustment of all questions of pecuniary liability as between the two countries, in accordance with recognised principles of law and precedents.

*Article 5.*

The present Treaty shall be approved and ratified by the High Contracting Parties in conformity with their respective laws, and the ratifications thereof shall be exchanged in the city of Bogota, as soon as may be possible.

In faith whereof the said Plenipotentiaries have signed the present Treaty in duplicate and have hereunto affixed their respective seals.

Done at the city of Bogota, the sixth day of April in the year of our Lord nineteen hundred and fourteen.

(L. S.) FRANCISCO JOSÉ URRUTIA.  
(L. S.) MARCO FIDEL SUAREZ.  
(L. S.) NICOLÁS ESGUERRA.  
(L. S.) JOSÉ M. GONZALEZ VALENCIA.  
(L. S.) RAFAEL URIBE URIBE.  
(L. S.) ANTONIO JOSÉ URIBE.  
(L. S.) THADDEUS AUSTIN THOMSON.

And whereas the Senate of the United States, by its Resolution of April the twentieth (legal date : April the eighteenth) one thousand nine hundred and twenty-one, passed in the presence of two-thirds of the Senators, who approved and recommended the ratification of the said Treaty subject to the following modifications :

- (1) The words "is constructing" in the Preamble shall be deleted, and the words "has constructed" substituted.
- (2) The whole of Article 1 shall be deleted. This article reads as follows :

*Article 1.*

The Government of the United States of America, wishing to put at rest all controversies and differences with the Republic of Colombia arising out of the events from which the present situation on the Isthmus of Panama resulted, expresses, in its own name and in the name of the people of the United States, sincere regret that anything should have occurred to interrupt or to mar the relations of cordial friendship that had so long subsisted between the two nations.

The Government of the Republic of Colombia, in its own name and in the name of the Colombian people, accepts this declaration in the full assurance that every obstacle to the restoration of complete harmony between the two countries will thus disappear.

- (3) Article 2 shall be substituted for Article 1.

(4) In the first paragraph of Article 2 of the original text the semicolon after the words "ferrocarril de Panama" (Panama railway) shall be deleted and a comma shall be substituted, followed by the words : "the ownership of which the United States of America have now acquired entirely and absolutely without any charges whatever."

(5) In clause 1 of Article 2 of the Treaty the words "even in case of war between Colombia and another country" shall be omitted.

(6) In clause 4 of Article 2 of the original text of the Treaty the words "during the construction of the Inter-oceanic Canal and afterwards whenever", shall be omitted, and replaced by the word "whenever". Before the words "be transported", the following shall be omitted, "even in case of war between Colombia and another country"; and the last sentence, which reads as follows : "the provisions of this paragraph shall not, however, apply in case of war between Colombia and Panama", shall be omitted.

(7) In clause 5 of Article 2 of the original text of the Treaty, after the words "being products of Colombia" the words "intended for consumption in Colombia" shall be inserted, and, after the words "and *vice versa*, shall" a comma shall be inserted, followed by the words "whenever traffic through the Canal is interrupted."

- (8) Article 3 shall be substituted for Article 2.

(9) In Article 3 of the original text of the Treaty, before the words "the United States of America", the words "the Government of" shall be inserted. After the word "pay" the words "in the city of Washington" shall be inserted. The words "within six months of the exchange of the ratification of the present Treaty" shall be omitted after the word "Colombia", and also the full stop after the word "money", and a comma shall be inserted followed by the words "the sum of 5 million dollars shall be paid within six months after the exchange of the ratifications of the present Treaty, and the remaining 20 million dollars shall be paid in four annual instalments of 5 million dollars each, counting from the date of this payment."

- (10) Article 4 shall be substituted for Article 3.

- (11) Article 5 shall be substituted for Article 4.

And whereas the Senate has given its consent to and approval of the ratification of the said Treaty on the understanding that "it shall be laid down in the Treaty and ratification that the provision in paragraph 1, Article 1, of the Treaty, granting to the Republic of Colombia freedom to trans-

port through the Interoceanic Canal its troops, materials of war and ships of war, shall not apply in case of war between Colombia and another country."

I, Jorge HOLGUIN, First Designate to exercise the Executive Power of Colombia, having seen and examined the above-mentioned Treaty, and noting that the Congress of the Republic approves it with the modifications introduced therein, in virtue of Laws number fourteen of June the ninth, one thousand nine hundred and fourteen, and fifty-nine of December the twenty-second, one thousand nine hundred and twenty-one, hereby ratify these modifications and confirm this Treaty, as modified in each and all of its articles.

In testimony whereof I have caused the Seal of the Republic to be affixed to these presents ;

Signed and sealed by my hand in the City of Bogota this first day of March in the year of our Lord, Nineteen hundred and twenty-two, and in the one hundred and twelfth year of the Independence of Colombia.

JORGE HOLGUIN.

ANTONIO JOSÉ URIBE,

*Minister for Foreign Affairs.*

#### PROTOCOL OF EXCHANGE OF RATIFICATIONS.

The undersigned Plenipotentiaries having met for the purpose of exchanging the ratifications of the Treaty signed at Bogota on April 6, 1914, between Colombia and the United States of America, for the settlement of their differences arising out of the events which took place on the Isthmus of Panama in November 1903, and the ratifications of the said Treaty having been carefully compared and found in all respect in agreement, the exchange has taken place to-day in the usual form.

With reference to this exchange, the following declaration is incorporated in the present Protocol in accordance with instructions received to this effect.

(1) In accordance with the final resolution adopted by the Senate of the United States when giving its assent to the ratification of the Treaty in question, the provision contained in the 1st Clause of Article 1, by which the Republic of Colombia is granted free passage through the Interoceanic Canal for its troops, materials of war and ships of war, shall not be applicable in case of war between the Republic of Colombia and any other country.

(2) The purport of this final resolution of the Senate of the United States is, as was announced by the Secretary of State in the Note dated October 3, 1921, sent by him to the Colombian Legation at Washington, that the Republic of Colombia will not have a right of passage, free of duty, for its troops, materials of war and ships of war, in case of war between Colombia and another country, and the Republic of Colombia will therefore, when at war with another country, be placed on the same footing as any other nation in similar circumstances, in accordance with the provisions of the Hay-Pauncefote Treaty concluded in 1901 ; and that, further, in consequence of the above-mentioned declaration by the Senate of the United States, the Republic of Colombia will not in any respect be placed at any disadvantage in the Panama Canal as compared with another belligerent or other belligerents in the event of war between Colombia and any other nation or nations. On this understanding the resolution was accepted by the Congress of Colombia in accordance with the provisions contained in Article 2 of Law No. 56 of 1921, "modifying Law No. 40 of 1914" which approved the Treaty.

In testimony whereof the undersigned have appended their signatures and affixed their seals to the present Protocol of Exchange.

Done at Bogota on March 1, 1922.

(L. S.) ANTONIO JOSÉ URIBE.

(L. S.) HOFFMAN PHILIP.

<sup>1</sup> TRADUCTION — TRANSLATION.

No 263. — TRAITÉ ENTRE LES ÉTATS-UNIS D'AMÉRIQUE ET LA RÉPUBLIQUE DE COLOMBIE EN VUE DE RÉGLER LES DIFFÉRENDS AUXQUELS ONT DONNÉ LIEU LES ÉVÉNEMENTS SURVENUS DANS L'ISTHME DE PANAMA EN NOVEMBRE 1903, SIGNÉ A BOGOTA, LE 6 AVRIL 1914.

## MINISTÈRE DES AFFAIRES ÉTRANGÈRES.

Jorge HOLGUIN (« primer designado para ejercer el poder ejecutivo »), appelé le premier à exercer le pouvoir exécutif,

A tous ceux qui les présentes liront, salut !

Attendu qu'un traité a été signé à Bogota, le 6 avril 1914, entre la République de Colombie et les Etats-Unis, par les plénipotentiaires respectifs des Hautes Parties contractantes, en vue de régler les différends auxquels ont donné lieu les événements survenus dans l'isthme de Panama en novembre 1903, traité dont la teneur suit :

## TRAITÉ

entre les ETATS-UNIS D'AMÉRIQUE et la RÉPUBLIQUE DE COLOMBIE en vue de régler les différends auxquels ont donné lieu les événements survenus dans l'isthme de Panama en novembre 1903.

La République de Colombie et les Etats-Unis d'Amérique, désireux de mettre fin à tous les différends auxquels ont donné lieu les événements politiques survenus dans le Panama, en novembre 1903, de rétablir l'amitié cordiale qui caractérisait auparavant les relations entre les deux pays, et de définir d'une manière régulière leurs droits et intérêts en ce qui concerne le canal interocéanique que le Gouvernement des Etats-Unis construit actuellement à travers l'isthme de Panama, ont résolu, dans cette intention, de conclure un traité et, en conséquence, ont nommé pour leurs plénipotentiaires :

SON EXCELLENCE, LE PRÉSIDENT DE LA RÉPUBLIQUE DE COLOMBIE :

Francisco José URRUTIA, Ministre des Affaires étrangères ;

Marco Fidel SUAREZ, « primer Designado para ejercer el Poder Ejecutivo » (appelé le premier à exercer le pouvoir exécutif) ;

Nicolas ESGUERRA, ancien Ministre d'Etat ;

José Maria Gonzalez VALENCIA, Sénateur ;

Rafael URIBE URIBE, Sénateur, et

Antonio José URIBE, Président de la Chambre des Représentants ;

<sup>1</sup> Traduit par le Secrétariat de la Société des Nations.

<sup>1</sup> Translated by the Secretariat of the League of Nations.