

No. 715.

RÉPUBLIQUE ARGENTINE ET VÉNEZUELA.

Traité général d'Arbitrage, signé à Caracas

le 22 Juillet 1911.

ARGENTINE REPUBLIC AND VENEZUELA.

General Treaty of Arbitration, signed at Caracas,

July 22, 1911.

Texte espagnol.—Spanish Text.

No. 715.—Tratado⁽¹⁾ general de Arbitraje entre la República argentina y la República de los Estados Unidos de Venezuela, firmado en Caracas el 22 de Julio de 1911.

Texte officiel espagnol communiqué par le Ministre des Affaires étrangères de la République argentine. L'enregistrement de ce traité a eu lieu le 8 septembre 1924.

Spanish official text communicated by the Minister for Foreign Affairs of the Argentine Republic. The registration of this Treaty took place September 8, 1924.

Su Excelencia el Señor Presidente de la República Argentina y Su Excelencia el Señor Presidente de la República de los Estados Unidos de Venezuela, inspirándose en los principios de la Convención⁽²⁾ para el arreglo pacífico de los conflictos internacionales celebrada en La Haya el 29 de julio de 1899 y deseando, de conformidad con el artículo 19 de dicha Convención, consagrar por medio de un Acuerdo General, el principio de Arbitraje en sus relaciones recíprocas, han resuelto celebrar una Convención a este efecto autorizando como sus Plenipotenciarios :

SU EXCELENCIA EL SEÑOR PRESIDENTE DE LA REPÚBLICA ARGENTINA :

A Su Excelencia el Señor Doctor Don Rómulo S. Naón, Enviado Extraordinario y Ministro Plenipotenciario de la República Argentina en los Estados Unidos de América y Enviado Extraordinario y Ministro Plenipotenciario en Misión Especial ante el Gobierno de los Estados Unidos de Venezuela ;

SU EXCELENCIA EL SEÑOR PRESIDENTE DE LOS ESTADOS UNIDOS DE VENEZUELA :

A Su Ministro de Relaciones Exteriores, General Don Manuel Antonio Matos ;

Quienes después de haberse comunicado sus plenos poderes respectivos, que fueron hallados en buena y debida forma, han convenido en las siguientes disposiciones :

Artículo 1.

Las altas Partes contratantes someterán al arbitraje todas las diferencias de cualquier naturaleza, que surjan entre Ellas, y que no hubieran podido resolverse por la vía diplomática ; se exceptúan las relativas a disposiciones constitucionales vigentes en uno o en otro Estado y aquellas que de conformidad con las leyes

⁽¹⁾ L'échange des ratifications a eu lieu à Caracas, le 24 mai 1924.

⁽²⁾ De Martens, Nouveau Recueil de Traités, deuxième série, tome XXVI, page 920.

⁽¹⁾ The exchange of ratifications took place at Caracas, May 24, 1924.

⁽²⁾ British and Foreign State Papers, Vol. 91, page 920.

Translation.⁽¹⁾

No. 715.—General Treaty of Arbitration between the Argentine Republic and the Republic of Venezuela, signed at Caracas, July 22, 1911.

HIS EXCELLENCY the President of the Argentine Republic and his Excellency the President of the Republic of the United States of Venezuela, being animated by the principles of the Convention for the Pacific Settlement of International Disputes concluded at The Hague on July 29, 1899, and being desirous, in conformity with Article 19 of the said Convention, of establishing the principle of arbitration in their mutual relations by means of a general agreement, have resolved to conclude a Convention to that effect, and have accordingly appointed as their Plenipotentiaries :—

HIS EXCELLENCY THE PRESIDENT OF THE ARGENTINE REPUBLIC :

His Excellency Dr. Rómulo S. Naón, Envoy Extraordinary and Minister Plenipotentiary of the Argentine Republic to the United States of America, and Envoy Extraordinary and Minister Plenipotentiary on Special Mission to the Government of Venezuela ;

HIS EXCELLENCY THE PRESIDENT OF THE UNITED STATES OF VENEZUELA :

His Minister for Foreign Affairs, General Manuel Antonio Matos ;

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

Article 1.

The High Contracting Parties shall submit to arbitration all disputes of any kind whatsoever which may arise between them, and which it has not been possible to settle through the diplomatic channel, excluding, however, such disputes as may relate to constitutional provisions in force in either State, and such as, according to the laws of the country, should be settled by the judges and courts appointed under those laws.

The following questions shall be submitted to arbitration :—

1. Disputes relating to the interpretation or application of Conventions which have been, or may be, concluded between the Contracting Parties.
2. Disputes regarding the interpretation or application of a principle of international law.

⁽¹⁾ Translated by the Secretariat of the League of Nations.

Article 2.

In each case the High Contracting Parties shall sign a special agreement defining the subject under dispute, and, if necessary, the place where the court is to sit, the language which the court will use and the languages authorised to be used before it, the sum that each Party shall deposit in advance to cover the costs, the forms to be observed and the time-limits to be fixed for the composition of the court and for the exchange of memoranda and documents, and, in general, all the conditions to be agreed upon.

In the absence of a special agreement of this nature, the arbitrators appointed in accordance with the provisions of Articles 3 and 4 of the present Treaty shall decide (on the above points), basing their decision on the claims submitted.

Furthermore, unless otherwise specially agreed, the provisions of the Convention for the Peaceful Settlement of International Disputes, signed at The Hague on July 29, 1899, shall be applied, without prejudice to the additions and modifications contained in the following Articles.

Article 3.

Unless otherwise provided, the court shall consist of three members. Each Party shall appoint an arbitrator, who should be chosen, by preference, from the list of members of The Hague Court; these arbitrators shall then agree upon the nomination of the third arbitrator. If an agreement is not reached on this point, the Parties shall request a third Power to make this appointment. Should the Parties be still unable to reach an agreement on this point, a petition shall be addressed to Her Majesty the Queen of the Netherlands, or her successors, requesting her to make the appointment.

The third arbitrator shall be chosen from the list of the aforesaid Permanent Court. He shall not be a national of either of the Contracting States, nor be domiciled or resident in their territories.

The same person cannot act as third arbitrator on two consecutive cases.

Article 4.

Should the Parties fail to agree on the composition of the court, arbitral powers shall be conferred on a single arbitrator, who, unless otherwise stipulated, shall be nominated in accordance with the provisions of the preceding Articles for the appointment of the third arbitrator.

Article 5.

Arbitral awards shall be rendered by a majority of votes, and the dissent of one of the arbitrators shall not be announced. The award shall be signed by the president and the clerk of the court, or by the sole arbitrator.

Article 6.

The arbitral award shall decide the dispute definitely and without appeal. Nevertheless, the court or arbitrator making the award

may, at any time before its execution, admit an appeal in the following cases :—

1. If the judgment given has been based on spurious or incorrect documents.
2. If the award is vitiated, wholly or in part, by an error of fact arising in or from the proceedings or documents relating to the case.

Article 7.

The present Treaty shall be ratified in accordance with the laws of the High Contracting Parties, and the instruments of ratification shall be exchanged as early as possible.

The Convention shall be valid for five years as from the date of the exchange of ratifications, and must be denounced six months before its expiration. Should it not be so denounced, it shall be considered as having been renewed for another year, and so on successively.

In faith whereof the Plenipotentiaries have signed and sealed the present Treaty.

Done and signed in duplicate, in Caracas, in the office of the Minister for Foreign Affairs, on the 22nd day of July, 1911.

(L.S.) R. S. NAÓN.

(L.S.) M. A. MATOS.