

FRANCE ET MEXIQUE

Convention tendant à assurer le règlement des réclamations provoquées par les pertes et dommages subis par des Français ou des protégés français, à raison d'actes révolutionnaires survenus au Mexique pendant la période comprise entre le 20 novembre 1910 et le 31 mai 1920 inclus, signée à Mexico, le 25 septembre 1924, et Convention additionnelle à la convention ci-dessus, signée à Mexico, le 12 mars 1927.

FRANCE AND MEXICO

Convention for the Settlement of Claims arising from Losses and Damage inflicted on French Citizens or Persons under French Protection by reason of Revolutionary Acts occurring in Mexico between November 20, 1910, and May 31, 1920, inclusive, signed at Mexico, September 25, 1924, and Additional Convention to the above Convention, signed at Mexico, March 12, 1927.

TEXTE ESPAGNOL. — SPANISH TEXT.

N^o 1818. — CONVENTION ¹ ENTRE LA FRANCE ET LE MEXIQUE TENDANT A ASSURER LE RÈGLEMENT DES RÉCLAMATIONS PROVOQUÉES PAR LES PERTES ET DOMMAGES SUBIS PAR DES FRANÇAIS OU DES PROTÉGÉS FRANÇAIS, A RAISON D'ACTES RÉVOLUTIONNAIRES SURVENUS AU MEXIQUE, PENDANT LA PÉRIODE COMPRISE ENTRE LE 20 NOVEMBRE 1910 ET LE 31 MAI 1920 INCLUS. SIGNÉE A MEXICO, LE 25 SEPTEMBRE 1924.

N^o 1818. — CONVENCION ENTRE FRANCIA Y LOS ESTADOS UNIDOS MEXICANOS PARA EL ARREGLO DE LAS RECLAMACIONES MOTIVADAS POR LAS PÉRDIDAS O DAÑOS CAUSADOS A LOS CIUDADANOS Y PROTEGIDOS FRANCESES Á CAUSA DE ACTOS REVOLUCIONARIOS DURANTE EL PERIODO COMPRENDIDO ENTRE EL 20 DE NOVIEMBRE DE 1910 Y EL 30 DE MAYO DE 1920 INCLUSIVE. FIRMADO EN MEXICO, EL 25 DE SEPTIEMBRE DE 1924.

Textes officiels français et espagnol communiqués par le ministre des Affaires étrangères de la République française. L'enregistrement de cette convention a eu lieu le 4 août 1928.

French and Spanish official texts communicated by the Minister for Foreign Affairs of the French Republic. The registration of this Convention took place August 4, 1928.

LA RÉPUBLIQUE FRANÇAISE et LES ETATS-UNIS DU MEXIQUE, désireux de régler définitivement et d'une manière amicale toutes les réclamations pécuniaires provoquées par des pertes ou dommages subis par des Français ou des protégés français à raison d'actes révolutionnaires commis pendant la période comprise entre le 20 novembre 1910 et le 31 mai 1920 inclus, ont décidé de conclure une convention à cet effet et ont nommé pour leurs plénipotentiaires, savoir :

LE PRÉSIDENT DE LA RÉPUBLIQUE FRANÇAISE :

M. Jean-Baptiste PÉRIER, envoyé extraordinaire et ministre plénipotentiaire

LA REPÚBLICA FRANCESA y LOS ESTADOS UNIDOS MEXICANOS, deseosos de arreglar definitiva y amigablemente todas las reclamaciones pecuniarias motivadas por las pérdidas o daños que resintieron los ciudadanos o protegidos franceses, a causa de actos revolucionarios ejecutados durante el periodo comprendido entre el 20 noviembre de 1910 y el 31 de mayo de 1920, inclusive, han decidido celebrar una Convención con tal fin, y al efecto han nombrado como sus Plenipotenciarios :

EL PRESIDENTE DE LA REPÚBLICA FRANCESA :

al señor Jean-Baptiste PÉRIER, Enviado Extraordinario y Ministro Plenipoten-

¹ L'échange des ratifications a eu lieu à Mexico, le 29 décembre 1924.

¹ The exchange of ratifications took place at Mexico, December 29, 1924.

Article II.

La présente convention est rédigée en français et en espagnol, étant entendu que le texte français fera foi en cas de divergence.

Article 12.

Les Hautes Parties contractantes ratifieront la présente convention conformément à leur constitution respective. Les ratifications en seront échangées à Mexico le plus tôt que faire se pourra. Dès la date de cet échange, la convention entrera en vigueur.

En foi de quoi les plénipotentiaires susnommés ont signé la présente convention et y ont apposé leurs cachets.

Fait en double, à Mexico, le vingt-cinq septembre mil neuf cent vingt-quatre.

(L. S.) Jean PÉRIER.

(L. S.) A. J. PANI.

Copie certifiée conforme :

*Le Ministre plénipotentiaire,
Chef du Service du Protocole :*

P. de Fouquières.

CONVENTION¹ ADDITIONNELLE A LA
CONVENTION DES RÉCLAMATIONS
CONCLUE LE 25 SEPTEMBRE 1924 EN-
TRE LA RÉPUBLIQUE FRANÇAISE ET
LES ETATS-UNIS DU MEXIQUE. SIGNÉE
A MEXICO, LE 12 MARS 1927.

*Textes officiels français et espagnol communiqués
par le ministre des Affaires étrangères de
la République française. L'enregistrement de
cette convention a eu lieu le 8 août 1928.*

LA RÉPUBLIQUE FRANÇAISE et LES ETATS-
UNIS DU MEXIQUE, considérant que la commis-
sion créée en vertu de la Convention du 25

¹ L'échange des ratifications a eu lieu à Mexico, le 22 octobre 1927.

Artículo XI.

Esta Convención está radactada en cada una de las lenguas francesa y española, quedando convenido que cualquiera duda sobre su interpretación será dilucidada por el texto francés.

Artículo XII.

Las Altas Partes Contratantes ratificarán la presente Convención, de conformidad con sus respectivas constituciones. El canje de las ratificaciones se efectuará en la ciudad de México tan pronto como fuere posible, y la Convención entrará en vigor desde el momento en que se haga el cambio de ratificaciones.

En fé de lo cual, los Plenipotenciarios respectivos firmaron la presente Convención, poniendo en ella sus sellos.

Hecha por duplicado en la ciudad de México, el día veinticinco de septiembre de mil novecientos veinticuatro.

(Signature) Jean PERRIER.

(Signature) A. J. PANI.

Copie certifiée conforme :

*Le Ministre plénipotentiaire,
Chef du Service du Protocole,*

P. de Fouquières.

CONVENCIÓN¹ ADICIONAL A LA CON-
VENCIÓN DE RECLAMACIONES CELE-
BRADA EL 25 DE SEPTIEMBRE DE
1924 ENTRE LA REPÚBLICA FRANCESA
Y LOS ESTADOS UNIDOS MEXICANOS.
FIRMADA EN MÉXICO, EL 12 DE
MARZO, 1927.

*French and Spanish official texts communicated
by the Minister for Foreign Affairs of the
French Republic. The registration of this
Convention took place August 8, 1928.*

LA REPÚBLICA FRANCESA y LOS ESTADOS
UNIDOS MEXICANOS considerando que la Comi-
sión creada en virtud de la Convención de 25

¹ The exchange of ratifications took place at Mexico, October 22, 1927.

¹ TRADUCTION. — TRANSLATION.

No. 1818. — CONVENTION BETWEEN FRANCE AND MEXICO FOR THE SETTLEMENT OF CLAIMS ARISING FROM LOSSES AND DAMAGE INFLICTED ON FRENCH CITIZENS OR PERSONS UNDER FRENCH PROTECTION BY REASON OF REVOLUTIONARY ACTS OCCURRING IN MEXICO BETWEEN NOVEMBER 20, 1910, AND MAY 31, 1920, INCLUSIVE. SIGNED AT MEXICO, SEPTEMBER 25, 1924.

THE FRENCH REPUBLIC and THE UNITED STATES OF MEXICO, being desirous of arriving at a final and friendly settlement of all pecuniary claims for loss or injury sustained by French nationals or persons under French protection as a result of revolutionary acts occurring between November 20, 1910, and May 31, 1920, inclusive, have decided to conclude a Convention for this purpose and have appointed as their Plenipotentiaries :

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Jean-Baptiste PÉRIER, Envoy Extraordinary and Minister Plenipotentiary of the French Republic in Mexico, Officer of the National Order of the Legion of Honour ;

THE PRESIDENT OF THE UNITED STATES OF MEXICO :

M. Alberto J. PANI, Secretary of State for Finance ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following Articles :

Article 1.

All the claims specified in Article 3 of the present Convention shall be submitted to a Commission consisting of three members ; one member of this Commission shall be appointed by the President of the French Republic ; one member shall be appointed by the President of the United States of Mexico ; the third member, who shall preside over the Commission, shall be appointed by agreement between the two Governments. Should an agreement on this matter not be reached within two months from the date of the exchange of the ratifications, the Chairman of the Commission shall be appointed by the President of the Permanent Administrative Council of the Permanent Court of Arbitration at The Hague. The request for the appointment of the Chairman of the Commission must be addressed by the two Governments to the President of the above-mentioned Council within a further period of one month, or after the expiry of this period, by the Government whose request is first received. In any case the third arbitrator may not be of French or Mexican nationality or a national of a country which may have to submit claims against Mexico identical with the claims covered by the present Convention.

In the event of the death of a member of the Commission, or should a member be prevented from discharging his duties, or for any reason decline to discharge his duties, he shall immediately be replaced in accordance with the procedure followed for his appointment.

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.

Article 2.

The members of the Commission thus appointed shall meet at Mexico City within six months of the exchange of the ratifications of the present Convention. Before entering upon his duties, each member of the Commission shall make and sign a solemn declaration in which he undertakes to examine carefully and to give an impartial decision in conformity with the principles of equity on all claims submitted, in view of the fact that Mexico desires of her own accord to give compensation for injury sustained and does not wish her responsibility to be established in accordance with the general principles of international law. It shall, therefore, be sufficient to furnish proof that the alleged damage has been sustained and that it is due to one of the causes mentioned in Article 3 of the present Convention for Mexico to be prepared to accord compensation *ex gratia*.

The foregoing declaration shall be recorded in the records of the Commission.

The Commission shall fix the date and place of its meetings.

Article 3.

The Commission shall deal with all claims against Mexico for loss or injury sustained by French nationals or persons under French protection, or by companies, associations or juridical persons of French nationality or under French protection, or for loss or injury caused to the interests of French nationals or persons under French protection in companies, corporations, associations or other groups of interests, provided that the interest of the aggrieved party prior to the date at which the injury or loss was sustained, exceeds 50 % of the total capital of the company or association to which he belongs, and provided also that the said party submits to the Commission a deed of surrender made out in his favour for his proportionate share of the rights to compensation which the said company or association may claim. The losses or injury referred to in the present Article are those which were caused between November 20, 1910, and May 31, 1920, inclusive, by any of the following forces :

- (1) Forces of a *de jure* or *de facto* Government.
- (2) Revolutionary forces which, as a result of victory, established a *de jure* or *de facto* Government, or counter-revolutionary forces.
- (3) Forces resulting from the disintegration of those mentioned in the previous paragraph up to the time when the *de jure* Government was established after a revolution.
- (4) Disbanded forces of the Federal Army.
- (5) Forces of mutineers or insurgents or insurrectionary forces other than those mentioned in paragraphs 2, 3 and 4 above, or brigands, if it is proved in each case that the competent authorities omitted to take reasonable measures to suppress such insurrections, risings, mutinies or acts of brigandage, or to punish the offenders, or if it is proved that the said authorities were at fault in any other way.

The Commission shall also deal with claims for loss or damage due to acts of the civil authorities, if these acts were caused by revolutionary events or disturbances and occurred in the period referred to above and if they were committed by one or other of the forces mentioned in paragraphs 1, 2 and 3 of the present Article.

Article 4.

The Commission shall fix its own rules of procedure whilst conforming to the provisions of the present Convention.

Each Government may appoint a representative as well as advisers ; the latter will submit to the Commission orally or in writing such evidence and arguments as they may consider desirable to adduce for or against claims.

The Commission shall take its decisions by a majority vote. The Chairman shall have a casting vote.

French or Spanish shall be the language employed in the proceedings of the Commission and its awards.

Article 5.

The Commission shall keep an exact record with the corresponding dates, of all claims and cases submitted to it, and also the minutes of its proceedings.

For this purpose, each Government may appoint a secretary. The said secretaries shall be subordinate to the Commission and comply with its instructions.

Each Government may also appoint and employ any assistant secretaries that it may deem necessary. The Commission may also appoint and employ any auxiliary personnel which it may require in order to discharge its duties.

Article 6.

In view of the fact that the Mexican Government desires to arrive at an equitable settlement of the claims specified in Article 3 above and to accord to the claimants fair compensation for the loss and injury which they have sustained, it is agreed that the Commission shall not dismiss or reject any claim on the ground that recourse has not been had to all the legal remedies before the claim was submitted.

For the purpose of determining the amount to be granted as compensation for damage to property, the basis taken shall be the value declared by the persons concerned to the fiscal authorities, except in cases deemed by the Commission to be really exceptional.

The amount of compensation for personal injury shall not exceed the most liberal compensation granted in France in similar cases.

Article 7.

All claims must be submitted to the Commission within nine months from the date of its first meeting unless, in exceptional cases, the majority of the members of the Commission consider that the reasons given for the delay are satisfactory. The period within which these exceptional claims may be filed must not exceed the ordinary time limit by more than three months.

The Commission shall hear, examine and decide upon all claims submitted to it within two years of its first meeting.

Three months after the first meeting of the members of the Commission, and every two months thereafter, the Commission shall submit to each of the Governments concerned a report setting forth in detail the work that has been accomplished and containing in addition, a list of claims submitted, claims heard and claims settled.

The Commission shall give its decision upon each claim submitted to it within six months of the date on which the proceedings regarding the said claim are concluded.

Article 8.

The High Contracting Parties agree to regard the Commission's decisions upon all cases decided by it as final, and to give full effect to the said decisions. They also agree to regard the results of the work of the Commission as a full, complete and final settlement of all claims against the Mexican Government arising from any of the causes enumerated in Article 3 of the present Convention. They agree, moreover, that from the moment the Commission has concluded its work, any claim of the kind mentioned, whether submitted to the Commission or not, shall be regarded as completely and irrevocably settled, provided always that the claims submitted to the Commission have actually been examined and decided upon by it.

Article 9.

Payments shall be made by the Mexican Government direct to the French Government in gold or in an equivalent currency.

Article 10.

Each Government shall pay the emoluments of its own member of the Commission and of its personnel.

The expenses of the Commission and the emoluments of the third member shall be borne by the two Governments in equal shares.

Article 11.

The present Convention shall be drawn up in French and in Spanish, and it is agreed that in case of doubt the French text shall be authentic.

Article 12.

The High Contracting Parties shall ratify the present Convention in conformity with their respective constitutional laws. The exchange of ratifications shall take place at Mexico City as soon as possible, and the Convention shall enter into force as from the date of the exchange of the ratifications.

In faith whereof the above Plenipotentiaries have signed the present Convention and have thereto affixed their seals.

Done in duplicata at Mexico City, the twenty-fifth day of September, one thousand nine hundred and twenty-four.

(L. S.) Jean PÉRIER.

(L. S.) A. J. PANI.

ADDITIONAL CONVENTION TO THE CONVENTION REGARDING CLAIMS CONCLUDED
SEPTEMBER 25, 1924, BETWEEN THE FRENCH REPUBLIC AND THE UNITED
STATES OF MEXICO. SIGNED AT MEXICO, MARCH 12, 1927.

THE FRENCH REPUBLIC and THE UNITED STATES OF MEXICO, considering that the Commission appointed in virtue of the Convention of September 25, 1924, has not been able to finish its work within the period fixed by that Convention, have agreed to conclude the present Convention and have for this purpose appointed as their Plenipotentiaries :

THE PRESIDENT OF THE FRENCH REPUBLIC :

M. Jean-Baptiste PÉRIER, Envoy Extraordinary and Minister Plenipotentiary of the French Republic in Mexico, Officer of the National Order of the Legion of Honour ;

THE PRESIDENT OF THE UNITED STATES OF MEXICO :

M. Aaron SAENZ, Secretary of State for Foreign Affairs ;

Who, having communicated their full powers, found in good and due form, have agreed upon the following Articles :

Article I.

The Commission, in virtue of the present Convention, shall hear, examine and decide, within nine months from the date of its first meeting, the claims which are covered by the Convention of September 25, 1924, and which have been submitted in conformity with the said Convention. If the Commission has not been able to conclude its work within that period, then this period shall be prolonged for a further period not exceeding nine months by a simple exchange of notes between the High Contracting Parties. The Commission shall hold its first meeting within two months of the appointment of the Chairman of the Commission.

Article II.

The Chairman of the Commission shall be appointed immediately after the exchange of the ratifications. If the High Contracting Parties do not reach an agreement as regards the appointment of the Chairman within four months from the date of the exchange of the ratifications, they shall request the President of the Administrative Council of the Permanent Court of Arbitration at The Hague to choose the said Chairman. The High Contracting Parties reserve the right to replace arbitrators at present acting in virtue of the Convention of September 25, 1924.

Article III.

The periods of procedure fixed by the Rules of March 23, 1925, shall be suspended on March 14, 1927, and shall again begin to run as from the date of the first meeting of the Commission.

Article IV.

All the provisions of the Convention of September 25, 1924, and of the Rules of Procedure of March 23, 1925, which are not modified by the provisions of the present Convention shall remain in force.

Article V.

The present Convention shall be drawn up in French and in Spanish.

Article VI.

The High Contracting Parties shall ratify the present Convention in conformity with their respective constitutional laws. The exchange of ratifications shall take place at Mexico City as soon as possible and the Convention shall enter into force as from that date.

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

Done in duplicate at Mexico City, March the twelfth, one thousand nine hundred and twenty-seven.

(L. S.) Jean PÉRIER.

(L. S.) Aaron SAENZ.