

Arbitration convention between the United States and Spain. Signed at Washington, April 20, 1908; ratification advised by the Senate, April 22, 1908; ratified by the President, May 28, 1908; ratified by Spain, May 11, 1908; ratifications exchanged at Washington, June 2, 1908; proclaimed, June 3, 1908.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

April 20, 1908.

A PROCLAMATION.

Whereas a Convention between the United States of America and the Kingdom of Spain providing for the submission to arbitration of all questions of a legal nature or relating to the interpretation of treaties, which may arise between the two countries and which it may not have been possible to settle by diplomacy, was concluded and signed by their respective Plenipotentiaries at Washington on the twentieth day of April, one thousand nine hundred and eight, the original of which Convention being in the English and Spanish languages is word for word as follows:

Arbitration with Spain.
Preamble.

The Government of the United States of America and the Government of His Majesty the King of Spain, signatories of the Convention for the pacific settlement of international disputes, concluded at The Hague on the 29th July, 1899;

Taking into consideration that by Article XIX of that Convention the High Contracting Parties have reserved to themselves the right of concluding Agreements, with a view to referring to arbitration all questions which they shall consider possible to submit to such treatment;

Have authorized the Undersigned to conclude the following Convention:

ARTICLE I.

Differences which may arise of a legal nature, or relating to the interpretation of treaties existing between the two Contracting Parties, and which it may not have been possible to settle by diplo-

El Gobierno de Su Majestad el Rey de España y el Gobierno de los Estados Unidos de América, signatarios del Convenio para el arreglo pacífico de conflictos internacionales, ajustado en El Haya el 29 de Julio de 1899;

Tomando en consideración que con arreglo al Artículo XIX de ese Convenio, las Altas Partes Contratantes se han reservado el derecho de ajustar acuerdos, con objeto de acudir al arbitraje en todas las cuestiones que consideren posible someter á este procedimiento:

Han autorizado á los infrascritos para concluir el siguiente Convenio:

ARTÍCULO I.

Las diferencias de carácter legal ó relativas á la interpretación de tratados existentes entre las dos Partes Contratantes, que puedan suscitarse entre ambas y que no haya sido posible arreglar por la

Contracting parties.

Vol. 32, p. 1779.

Vol. 32, p. 1789.

Submitting certain disputes to the Permanent Court of Arbitration at The Hague.

macy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honor of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE II.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that on the part of the United States such special agreements will be made by the President of the United States, by and with the advice and consent of the Senate thereof, and on the part of Spain shall be subject to the procedure required by her laws.

Special agreements defining matters in dispute, etc.

via diplomática, serán sometidas al Tribunal Permanente de Arbitraje establecido en El Haya por el Convenio de 29 de Julio de 1899, siempre que y con tal que, no afecten los intereses vitales, la independencia, ó la honra de los Estados Contratantes y no atañen los intereses de terceras Partes.

ARTÍCULO II.

En cada caso particular las Altas Partes Contratantes antes de apelar al Tribunal Permanente de Arbitraje firmarán un compromiso especial que determine claramente la materia del litigio, el alcance de los poderes de los arbitros, y los plazos que se fijen para la constitución del Tribunal Arbitral y para sus procedimientos. Queda entendido que dichos acuerdos especiales, en lo que concierne á España, serán sometidos á las formalidades requeridas por sus leyes, y por lo que toca á los Estados Unidos, los llevará á cabo el Presidente de los Estados Unidos con el consejo y consentimiento del Senado.

ARTICLE III.

The present Convention is concluded for a period of five years dating from the day of the exchange of the ratifications.

Duration.

ARTÍCULO III.

Se concluye el presente Acuerdo por un período de cinco años á contar desde el día del canje de las ratificaciones.

ARTICLE IV.

The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by His Majesty the King of Spain. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

Ratification.

ARTÍCULO IV.

El presente Convenio será ratificado por Su Majestad el Rey de España; y por el Presidente de los Estados Unidos de América, de acuerdo y con el consentimiento del Senado. Las ratificaciones de este Convenio serán canjeadas en Washington tan pronto como sea posible, y será efectivo desde la fecha del canje de sus ratificaciones.

Signatures.

Done in duplicate in the English and Spanish languages at Washington, this twentieth day of April in the year one thousand nine hundred and eight.

Fecho, por duplicado, en lengua Española e Inglesa, en Washington, el día 20 de Abril del año mil novecientos ocho.

ELIHU ROOT
R. PIÑA Y MILLET

And whereas the said Convention has been duly ratified on both parts, and the ratifications of the two governments were exchanged in the City of Washington, on the second day of June, one thousand nine hundred and eight;

Exchange of ratifications.

Now, therefore, be it known that I, Theodore Roosevelt, President of the United States of America, have caused the said Convention to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

Proclamation.

In testimony whereof, I have hereunto set my hand and caused the seal of the seal of the United States to be affixed.

Done at the City of Washington this third day of June, in the year of our Lord one thousand nine hundred and eight, and of the Independence of the United States of America the one hundred and thirty-second.

THEODORE ROOSEVELT.

By the President:

ELIHU ROOT

Secretary of State.