

N° 1987.

ÉTATS-UNIS DU BRÉSIL
ET ESPAGNE

Convention d'arbitrage. Signée à
Petropolis, le 8 avril 1909.

UNITED STATES OF BRAZIL
AND SPAIN

Arbitration Convention. Signed at
Petropolis, April 8, 1909.

¹ TRANSLATION.

No. 1987. — ARBITRATION CONVENTION BETWEEN THE UNITED STATES OF BRAZIL AND SPAIN. SIGNED AT PETROPOLIS, APRIL 8, 1909.

HIS MAJESTY THE KING OF SPAIN and THE PRESIDENT OF THE REPUBLIC OF THE UNITED STATES OF BRAZIL, desiring to conclude an Arbitration Convention in conformity with the principles set forth in Articles 15 to 19 and 21 of the Convention for the Pacific Settlement of International Disputes drawn up at The Hague on July 29, 1899, and in Articles 37 to 40 and 42 of the Convention for the same purpose which was also signed at The Hague on October 18, 1907, have appointed as their Plenipotentiaries :

HIS MAJESTY THE KING OF SPAIN :

Don Manuel MULTEDO Y CORTINA, His Envoy Extraordinary and Minister Plenipotentiary to the Government of the United States of Brazil ; and

THE PRESIDENT OF THE UNITED STATES OF BRAZIL :

M. José-Maria DA SILVA PARANHOS DO RIO BRANCO, Minister for Foreign Affairs ;

Who, being duly authorised, have agreed upon the following Articles :

Article 1.

Any disputes which may arise between the two High Contracting Parties regarding questions of a legal nature or relating to the interpretation of treaties which are or may in the future be in force between them and which it may not have been possible to settle through the diplomatic channel, shall be submitted to the Permanent Court of Arbitration established at The Hague in virtue of the Convention of July 29, 1899, provided that the said questions do not affect the vital interests, the independence or the honour of the Contracting States and that they do not involve the interests of any other State ; it is further understood that, if either of the two Parties so prefers, the questions to which the present Convention refers, shall be submitted for arbitration to the Head of a State or to a friendly Government or to one or more arbitrators, without restriction to those included in the lists of the above-mentioned Permanent Court at The Hague.

Article 2.

In each individual case, before appealing to any single arbitrator, to the Permanent Court at The Hague or to other arbitrators, the two High Contracting Parties shall sign a special agreement defining clearly the subject of the dispute, the extent of the powers of the arbitrator or arbitrators and the conditions which are to be observed regarding the time-limits for the formation of the Tribunal, the choice of the arbitrator or arbitrators and also the several stages of the arbitral procedure.

It is understood that the said special agreements shall on the part of Spain be subject to the formalities prescribed by the laws of that country and shall on the part of the United States of Brazil be ratified by the President of the Republic after being approved by the National Council.

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

Article 3.

The present Convention is concluded for a term of five years dating from the exchange of ratifications. Unless it is denounced six months before the expiration of that period, it shall continue in force for a further period of five years and similarly thereafter.

Article 4.

When the formalities prescribed by the constitutional laws of each of the two countries have been accomplished, the present Convention shall be ratified and the ratifications shall be exchanged in the city of Rio de Janeiro as soon as possible.

In faith whereof we, the Plenipotentiaries named above, have signed the present instrument in duplicate Spanish and Portuguese texts and have thereto affixed our seals.

Done at Petropolis on the eighth day of April, one thousand nine hundred and nine.

(L. S.) Manuel MULTEDO.

(L. S.) RIO BRANCO.