



Multilateral Treaties

B-5: GENERAL TREATY OF INTER-AMERICAN ARBITRATION



ADOPTED AT: WASHINGTON, D.C., UNITED STATES

DATE: 01/05/29

CONF/ASSEM/MEETING: INTERNATIONAL CONFERENCE OF AMERICAN STATES ON CONCILIATION AND ARBITRATION

ENTRY INTO FORCE: 10/28/29, IN ACCORDANCE WITH ARTICLE 9 OF THE TREATY.

DEPOSITORY: DEPARTMENT OF STATE OF THE UNITED STATES (ORIGINAL INSTRUMENT AND RATIFICATIONS).

TEXT: OAS, TREATY SERIES, NO. 16.

UN REGISTRATION: / / No. Vol.

OBSERVATIONS: This Treaty has been superseded by the American Treaty on Pacific Settlement (Pact of Bogot), 1948 (A-42). Unless both parties to a dispute have ratified the subsequent Treaty, however, this Treaty would be applicable.

See also the Treaty on Compulsory Arbitration of Mexico, 1902 (A-9), and the Protocol of Progressive Arbitration (B-6).

GENERAL INFORMATION OF THE TREATY: B-5

COUNTRY	SIGNATURE	RATIFICATION/ACCESSION	DEPOSIT	INFORMATION*
Antigua y Barbuda	-	-	-	-
Argentina	-	-	-	-
Bahamas	-	-	-	-
Barbados	-	-	-	-
Belize	-	-	-	-
Bolivia	01/05/29	-	-	Yes
Brazil	01/05/29	12/15/31	01/25/32 RA	-
Canada	-	-	-	-
Chile	01/05/29	12/30/29	02/27/30 RA	Yes
Colombia	01/05/29	01/28/38	07/12/38 RA	Yes
Costa Rica	01/05/29	-	-	Yes
Cuba	01/05/29	10/09/30	11/08/30 RA	-
Dominica	-	-	-	-
Ecuador	01/05/29	06/24/37	11/03/37 RA	Yes
El Salvador	01/05/29	10/30/29	12/28/29 RA	Yes
Grenada	-	-	-	-
Guatemala	01/05/29	09/09/29	10/28/29 RA	Yes
Guyana	-	-	-	-
Haiti ½	01/05/29	03/08/33	04/04/33 RA	-
Honduras	01/05/29	11/30/36	02/09/37 RA	Yes
Jamaica	-	-	-	-
México	01/05/29	11/08/29	01/06/30 RA	Yes
Nicaragua	01/05/29	07/09/30	06/15/32 RA	-
Panamá ½	01/05/29	12/30/32	01/20/33 RA	-
Paraguay	01/05/29	-	-	Yes
Perú ½	01/05/29	01/04/34	05/23/34 RA	-
Dominican Republic	01/05/29	07/26/29	09/17/29 RA	Yes
St. Kitts & Nevis	-	-	-	-
St. Lucia	-	-	-	-
St. Vincent & Grenadines	-	-	-	-
Suriname	-	-	-	-
Trinidad & Tobago	-	-	-	-
United States	01/05/29	04/16/35	04/16/35 RA	Yes
Uruguay	01/05/29	-	-	Yes
Venezuela	01/05/29	07/23/32	09/01/32 RA	Yes

*DECLARATIONS/RESERVATIONS/DENUNCIATIONS/WITHDRAWALS

Bolivia:

(Reservations made at the time of signature)

The Delegation of Bolivia in accordance with the doctrine and policy invariably maintained by Bolivia in the field of international jurisprudence, gives full adherence to and signs the General Treaty of Inter-American Arbitration which the Republics of America are to sanction, formulating the following express reservations:

First: There may be excepted from the provisions of the present agreement, questions arising from acts occurring or conventions concluded before the said treaty goes into effect, as well as those which, in conformity with international law, are under the exclusive jurisdiction of the state.

Second: It is also understood that, for the submission to arbitration of a territorial controversy or dispute, the zone to which the said arbitration is to apply must be previously determined in the arbitral agreement.

Colombia:

(Reservations made at the time of signature)

First: The obligations which the Republic of Colombia may contract thereby refer to the differences which may arise from acts subsequent to the ratification of the Convention.

Second: Except in the case of a denial of justice, the arbitration provided for in this convention is not applicable to the questions which may have arisen or which may arise between a citizen, an association or a corporation of one of the parties and the other contracting state when the judges or courts of the latter state are, in accordance with its legislation, competent to settle the controversy.

(Reservations made at the time of ratification)

With the reservations made at the time of signature.

Costa Rica:

(Reservations made at the time of signature)

(a) The obligations contracted under this Treaty do not annul, abrogate, or restrict the arbitration conventions which are now in force between Costa Rica and another or others of the high contracting parties and do not involve arbitration, disavowal, or renewed discussion of questions which may have already been settled by arbitral awards.

(b) The obligations contracted under this Treaty do not involve the arbitration of judgments handed down by the courts of Costa Rica in civil cases which may be submitted to them and with regard to which the interested parties have recognized the jurisdiction of said courts.

Chile:

(Reservation made at the time of signature)

Chile does not accept obligatory arbitration for questions which have their origin in situations or acts antedating the present treaty nor does it accept obligatory arbitration for those questions which, being under the exclusive competency of the national jurisdiction, the interested parties claim the right to withdraw from the cognizance of the established judicial authorities, unless said authorities decline to pass judgment on any action or exception which any natural or juridical foreign person may present to them in the form established by the laws of the country.

(Reservation made at the time of ratification)

With the reservation made at the time of signature.

Ecuador:

(Reservations made at the time of signature)

The Delegation of Ecuador, pursuant to instructions of its Government, reserves from the jurisdiction of the obligatory arbitration agreed upon in the present Treaty:

1. Questions at present governed by conventions or treaties now in effect;

2. Those which may arise from previous causes or may result from acts preceding the signature of this treaty;

3. Pecuniary claims of foreigners who may not have previously exhausted all legal remedies before the courts of justice of the country, it being understood that such is the interpretation and the extent of the application which the

Government of Ecuador has always given to the Buenos Aires Convention of August 11, 1910.

(Reservations made at the time of ratification)

With the purpose of seeking the most adequate means of generalizing and making effective the American instruments of peace, the Republic of Ecuador abandons the First and Second Reservations made by the representative of Ecuador upon signing the said General Treaty of Inter-American Arbitration, in the said General Treaty of Inter-American Arbitration, in the said General Treaty of Inter-American Arbitration, in accordance with Article 1 of the Protocol of Progressive Arbitration of January 5, 1929; which reservations were made in this manner:

The Delegation of Ecuador, pursuant to instructions of its Government, reserves from the jurisdiction of the obligatory arbitration agreed upon in the present Treaty:

1. Questions at present governed by conventions or treaties now in effect;

2. Those which may arise from previous causes or may result from acts preceding the signature of this Treaty.

The Republic of Ecuador upon ratifying the present Treaty maintains in effect the Third Reservation made by the Plenipotentiary, Mr. Gonzalo Zaldumbide, the text of which reads as follows:

3. Pecuniary claims of foreigners who may not have previously exhausted all legal remedies before the courts of justice of the country, it being understood that such is the interpretation and the extent of the application which the Government of Ecuador has always given to the Buenos Aires Convention of August 11, 1910.

El Salvador:

(Reservations made at the time of signature)

The Delegation of El Salvador to the Conference on Conciliation and Arbitration assembled in Washington accepts and signs the General Treaty of Inter-American Arbitration concluded this day by said Conference, with the following reservations or restrictions:

1. After the words of paragraph 1 of Article 1 reading: "under treaty or otherwise", the following words are to be added: "subsequent to the present Convention". The article continues without any other modification.

2. Paragraph (a) of Article 2 is accepted by the Delegation without the final words which read: "and are not controlled by international law," which should be considered as eliminated.

3. This Treaty does not include controversies or differences with regard to points or questions which, according to the Political Constitution of El Salvador, must not be submitted to arbitration, and

4. Pecuniary claims against the nation shall be decided by its judges and courts, since they have jurisdiction thereof, and recourse shall be had to international arbitration only in the cases provided in the Constitution and laws of El Salvador, that is in cases of denial of justice or unusual delay in the administration thereof.

(Reservations made at the time of ratification)

With the reservations made at the time of signature.

Guatemala:

(Reservations made at the time of signature)

1. In order to submit to arbitration any questions relating to the boundaries of the nation, the approval of the Legislative Assembly must first be given, in each case, in conformity with the Constitution of the Republic.

2. The provisions of the present Convention do not alter or modify the conventions and treaties previously entered into by the Republic of Guatemala.

(Reservations made at the time of ratification)

With the reservations made at the time of signature.

Honduras:

(Reservation made at the time of signature)

The Delegation of Honduras, in signing the present Treaty,

formulates an express reservation making it a matter of record that the provisions thereof shall not be applicable to pending international questions or controversies or to those which may arise in the future relative to acts prior to the date on which the said Treaty goes into effect.

(Reservation made at the time of ratification)

With the reservation made at the time of signature.

Mexico:

(Reservation made at the time of signature)

Mexico makes the reservation that differences, which fall under the jurisdiction of the courts, shall not form a subject of the procedure provided for by the Convention, except in case of denial of justice, until after the judgment passed by the competent national authority has been placed in the class of res judicata.

(Reservation made at the time of ratification)

With the reservation made at the time of signature.

Paraguay:

(Reservation made at the time of signature)

I sign this treaty with the reservation that Paraguay excludes from its application questions which directly or indirectly affect the integrity of the national territory and are not merely questions of frontiers or boundaries.

Dominican Republic:

(Reservation made at the time of signature)

The Dominican Republic, in signing the General Treaty of Inter-American Arbitration, does so with the understanding that controversies relating to questions which are under the jurisdiction of its courts shall not be referred to arbitral jurisdiction except in accordance with the principles of international law.

(Reservation made at the time of ratification)

With the reservation made at the time of signature.

Uruguay:

(Reservation made at the time of signature)

I vote in favor of the Treaty of Arbitration, with the reservation formulated by the Delegation of Uruguay at the Fifth Pan American Conference, favoring broad arbitration; and with the understanding that arbitration will be resorted to only in case of denial of justice, when the national tribunals have jurisdiction, according to the legislation of their own country.

Venezuela:

(Reservations made at the time of signature)

First: There shall be excepted from this Treaty those matters which, according to the Constitution or the laws of Venezuela, are under the jurisdiction of its courts; and especially those matters relating to pecuniary claims of foreigners. In such matters arbitration shall not be resorted to except when legal remedies having been exhausted by the claimant it shall appear that there has been a denial of justice.

Second: There shall also be excepted those matters controlled by international agreements now in force.

(Reservations made at the time of ratification)

With the reservations made at the time of signature.

Denunciation: 09/08/81

United States:

(Reservation made at the time of ratification)

This Government ratified the Treaty "with the understanding, made a part of such ratification, that the special agreement in each case shall be made only by the President, and then only by and with the advice and consent of the Senate, provided two thirds of the Senators present concur."

Text of the Treaty *[only in spanish]*