

INTERNATIONAL COMMISSION OF JURISTS (INTER-AMERICAN)

Convention signed at Rio de Janeiro August 23, 1906

Senate advice and consent to ratification February 3, 1908

Ratified by the President of the United States February 8, 1908

Ratification of the United States deposited at Rio de Janeiro March 9, 1908

Entered into force August 26, 1907;¹ for the United States March 9, 1908

Proclaimed by the President of the United States May 1, 1912

37 Stat. 1554; Treaty Series 565

CONVENTION INTERNATIONAL LAW

Their Excellencies, the Presidents of Ecuador, Paraguay, Bolivia, Colombia, Honduras, Panamá, Cuba, Peru, the Dominican Republic, El Salvador, Costa Rica, the United States of Mexico, Guatemala, Uruguay, the Argentine Republic, Nicaragua, the United States of Brazil, the United States of America, and Chile;

Desiring that their respective countries should be represented at the Third International American Conference, sent, thereto, duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following delegates:

Ecuador—Dr. Emilio Arévalo; Olmedo Alfaro.

Paraguay—Manuel Gondra; Arsenio López Decoud; Gualberto Cardús y Huerta;

Bolivia—Dr. Alberto Gutiérrez; Dr. Carlos V. Romero;

Colombia—Rafael Uribe Uribe; Dr. Guillermo Valencia;

Honduras—Fausto Dávila.

Panamá—Dr. José Domingo de Obaldía;

Cuba—Dr. Gonzalo de Quesada; Rafael Montoro; Dr. Antonio González Lanuza;

¹ Date of deposit of second instrument of ratification (Pan American Union Treaty Series No. 9, Rev. 1961, p. 15).

Dominican Republic—E. C. Joubert;
Peru—Dr. Eugenio Larrabure y Unánue; Dr. Antonio Miró Quesada; Dr. Mariano Cornejo;
El Salvador—Dr. Francisco A. Reyes;
Costa Rica—Dr. Ascención Esquivel;
United States of Mexico—Dr. Francisco León de La Barra; Ricardo Molina-Hübbe; Ricardo García Granados;
Guatemala—Dr. Antonio Batres Jáuregui;
Uruguay—Luís Melian Lafinur; Dr. Antonio María Rodríguez; Dr. Gonzalo Ramírez;
Argentine Republic—Dr. J. V. González; Dr. José A. Terry; Dr. Eduardo L. Bidau;
Nicaragua—Luís F. Corea;
United States of Brazil—Dr. Joaquim Aurelio Nabuco de Araujo; Dr. Joaquim Francisco de Assis Brasil; Dr. Gastão da Cunha; Dr. Alfredo de Moraes Gomes Ferreira; Dr. João Pandiá Calogeras; Dr. Amaro Cavalcanti; Dr. Joaquim Xavier da Silveira; Dr. José P. da Graça Aranha; Antonio da Fontoura Xavier;
United States of America—William I. Buchanan; Dr. L. S. Rowe; A. J. Montague; Tulio Larrinaga; Dr. Paul S. Reinsch; Van Leer Polk;
Chili—Dr. Anselmo Hevia Riquelme; Joaquín Walker Martínez; Dr. Luís Antonio Vergara; Dr. Adolfo Guerrero;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, have agreed, to establish an international Commission of Jurists, in the following terms:

Art. 1. There shall be established an international Commission of Jurists, composed of one representative from each of the signatory States, appointed by their respective Governments, which commission shall meet for the purpose of preparing a draft of a Code of Private International Law and one of Public International Law, regulating the relations between the Nations of America. Two or more Governments may appoint a single representative, but such representative shall have but one vote.

Art. 2. Notice of the appointment of the members of the Commission shall be addressed by the Governments adhering to this Convention, to the Government of the United States of Brazil, which shall take the necessary steps for the holding of the first meeting.

Notice of these appointments shall be communicated to the Government of the United States of Brazil before April 1st, 1907.

Art. 3. The first meeting of said Commission shall be held in the City of Rio de Janeiro during the year 1907. The presence of at least twelve of the representatives of the signatory States shall be necessary for the organization of the Commission.

Said Commission shall designate the time and place for subsequent sessions, provided, however, that sufficient time be allowed from the date of the final meeting to permit of the submission to the signatory States of all drafts or all important portions thereof at least one year before the date fixed for the Fourth International American Conference.

Art. 4. Said Commission after having met for the purpose of organization and for the distribution of the work to the members thereof, may divide itself into two distinct committees, one to consider the preparation of a draft of a Code of Private International Law, and the other for the preparation of a Code of Public International Law. In the event of such division being made, the committees must proceed separately until they conclude their duties, or also as provided in the final clause of article three.

In order to expedite and increase the efficiency of this work, both committees may request the Governments to assign experts for the consideration of especial topics. Both committees shall also have the power to determine the period within which such special reports shall be presented.

Art. 5. In order to determine the subjects to be included within the scope of the work of the Commission, the Third International Conference recommends to the Commissions that they give special attention to the subjects and principles which have been agreed upon in existing treaties and conventions, as well as to those which are incorporated in the national laws of the American States, and furthermore recommends to the special attention of the Commission the Treaties of Montevideo of 1889² and the debates relating thereto, as well as the projects of conventions adopted at the Second International Conference of the American States held in Mexico in 1902,³ and the discussions thereon; also all other questions which give promise of juridical progress, or which tend to eliminate the causes of misunderstanding or conflicts between said States.

Art. 6. The expense incident to the preparation of the drafts, including the compensation for technical studies made pursuant to article four, shall be defrayed by all the signatory States in the proportion and form established for the support of the International Bureau of the American Republics, of Washington, with the exception of the compensation of the members of the Commission, which shall be paid to the representatives by their respective Governments.

Art. 7. The Fourth International Conference of the American States shall embody in one or more treaties, the principles upon which an agreement may

² The International South American Law Congress met at Montevideo, Uruguay, Aug. 25, 1888—Feb. 18, 1889.

³ See *Message from the President of the United States, Transmitting a Communication From the Secretary of State, Submitting the Report, With Accompanying Papers, of the Delegates of the United States to the Second International Conference of American States, Held at the City of Mexico from October 22, 1901, to January 22, 1902* (U.S. Government Printing Office, 1902); S. Doc. 330, 57th Cong., 1st sess.

be reached, and shall endeavor to secure their adoption and ratification by the Nations of America.

Art. 8. The Governments desiring to ratify this Convention, shall so advise the Government of the United States of Brazil, in order that the said Government may notify the other Governments through diplomatic channels, such action taking the place of an exchange of Notes.

In testimony whereof the Plenipotentiaries and Delegates have signed the present Convention, and affixed the Seal of the Third Internacional American Conference.

Made in the city of Rio de Janeiro the twenty-third day of August, nineteen hundred and six, in English, Portuguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made, and sent through diplomatic channels to the signatory States.

For Ecuador—EMILIO ARÉVALO, OLMEDO ALFARO.

For Paraguay—MANUEL GONDRA, ARSENIO LÓPEZ DECOUD, GUALBERTO CARDÚS Y HUERTA.

For Bolivia—ALBERTO GUTIÉRREZ, CARLOS V. ROMERO.

For Colombia—RAFAEL URIBE URIBE, GUILLERMO VALENCIA.

For Honduras—FAUSTO DÁVILA.

For Panamá—JOSÉ DOMINGO DE OBALDÍA.

For Cuba—GONZALO DE QUESADA, RAFAEL MONTORO, ANTONIO GONZÁLEZ LANUZA.

For the Dominican Republic—EMILIO C. JOUBERT.

For Peru—EUGENIO LARRABURE Y UNÁNUE, ANTONIO MIRÓ QUESADA, MARIANO CORNEJO.

For the United States of Brazil—JOAQUIM AURELIO NABUCO DE ARAUJO, JOAQUIM FRANCISCO DE ASSIS BRASIL, GASTÃO DA CUNHA, ALFREDO DE MORAES GOMES FERREIRA, JOÃO PANDIÁ CALOGERAS, AMARO CAVALCANTI, JOAQUIM XAVIER DA SILVEIRA, JOSÉ P. DA GRAÇA ARANHA, ANTONIO DA FONTOURA XAVIER.

For El Salvador—FRANCISCO A. REYES.

For Costa Rica—ASCENSIÓN ESQUIVEL.

For the United States of Mexico—FRANCISCO LEÓN DE LA BARRA, RICARDO MOLINA-HÜBBE, RICARDO GARCÍA GRANADOS.

For Guatemala—ANTONIO BATRES JÁUREGUI.

For Uruguay—LUÍS MELIAN LAFINUR, ANTONIO MARÍA RODRÍGUEZ, GONZALO RAMÍREZ.

For the Argentine Republic—J. V. GONZÁLEZ, JOSÉ A. TERRY, EDUARDO L. BIDAÚ.

For Nicaragua—LUÍS F. COREA.

For the United States of America—WILLIAM I. BUCHANAN, L. S. ROWE, A. J. MONTAGUE, TULLIO LARRINAGA, PAUL S. REINSCH, VAN LEER POLK.

For Chili—ANSELMO HEVIA RIQUELME, JOAQUÍN WALKER MARTÍNEZ, LUÍS ANTONIO VERGARA, ADOLFO GUERRERO.