

ARBITRATION

Treaty signed at Washington April 19, 1928

Senate advice and consent to ratification May 10, 1928

Ratified by the President of the United States May 15, 1928

Ratified by Italy November 27, 1930

Ratifications exchanged at Washington January 20, 1931

Entered into force January 20, 1931

Proclaimed by the President of the United States January 21, 1931

Revived (after World War II) February 6, 1948,¹ pursuant to article 44 of treaty of peace signed at Paris February 10, 1947²

46 Stat. 2890; Treaty Series 831

The President of the United States of America and His Majesty the King of Italy

Determined to prevent so far as in their power lies any interruption in the peaceful relations that happily have always existed between the two nations;

Desirous of reaffirming their adherence to the policy of submitting to impartial decision all justiciable controversies that may arise between them; and

Eager by their example not only to demonstrate their condemnation of war as an instrument of national policy in their mutual relations, but also to hasten the time when the perfection of international arrangements for the pacific settlement of international disputes shall have eliminated forever the possibility of war among any of the Powers of the world;

Have decided to conclude a new treaty of arbitration enlarging the scope and obligations of the arbitration convention signed at Washington on March 28, 1908,³ which expired by limitation on January 22, 1924, and for that purpose they have appointed as their respective Plenipotentiaries

The President of the United States of America, Frank B. Kellogg, Secretary of State of the United States, and

His Majesty the King of Italy, Nobile Giacomo de Martino, Ambassador Extraordinary and Plenipotentiary to the United States,

who, having communicated to one another their full powers found in good and due form, have agreed upon the following articles:

¹ *Department of State Bulletin*, Feb. 22, 1948, p. 248.

² TIAS 1648, *ante*, vol. 4, p. 325.

³ TS 516, *ante*, p. 116.

ARTICLE I

All differences relating to international matters in which the High Contracting Parties are concerned by virtue of a claim of right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy, which have not been adjusted as a result of reference to the Permanent International Commission constituted pursuant to the treaty signed at Washington May 5, 1914,⁴ between Italy and the United States and still in force, and which are justiciable in their nature by reason of being susceptible of decision by the application of the principles of law or equity, shall be submitted to the Permanent Court of Arbitration established at The Hague by the Convention of October 18, 1907,⁵ or to some other competent tribunal, as shall be decided in each case by special agreement, which special agreement shall provide for the organization of such tribunal if necessary, define its powers, state the question or questions at issue, and settle the terms of reference.

The special agreement in each case shall be made on the part of the United States of America by the President of the United States of America by and with the advice and consent of the Senate thereof, and on the part of the Kingdom of Italy in accordance with the constitutional laws of that Kingdom.

ARTICLE II

The provisions of this treaty shall not be invoked in respect of any dispute the subject matter of which

(a) is within the domestic jurisdiction of either of the High Contracting Parties;

(b) involves the interests of third Parties;

(c) depends upon or involves the maintenance of the traditional attitude of the United States concerning American questions, commonly described as the Monroe Doctrine;

(d) depends upon or involves the observance of the obligations of Italy in accordance with the Covenant of the League of Nations.⁶

ARTICLE III

The present treaty 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 the Kingdom of Italy in accordance with its constitutional laws.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take effect on the date of the exchange of the ratifications. It shall thereafter remain in force continuously unless and until terminated by one year's written notice given by either High Contracting Party to the other.

⁴ TS 615, *ante*, p. 126.

⁵ TS 536, *ante*, vol. 1, p. 577.

⁶ *Ante*, vol. 2, p. 48.

In faith whereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and Italian languages, both texts having equal force, and hereunto affix their seals.

Done at Washington the nineteenth day of April in the year of our Lord one thousand nine hundred and twenty-eight.

FRANK B. KELLOGG	[SEAL]
GIACOMO DE MARTINO	[SEAL]