

## ARBITRATION

*Treaty signed at Washington March 1, 1929*

*Senate advice and consent to ratification May 22, 1929*

*Ratified by the President of the United States June 4, 1929*

*Ratified by Portugal August 5, 1929*

*Ratifications exchanged at Washington October 31, 1929*

*Entered into force October 31, 1929*

*Proclaimed by the President of the United States October 31, 1929*

46 Stat. 2421; Treaty Series 803

The Government of the United States of America and the Government of the Republic of Portugal

Determined to prevent so far as in their power lies any interruption in the peaceful relations that 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 April 6, 1908,<sup>1</sup> which expired by limitation on November 14, 1928, and for that purpose they have authorized the undersigned to conclude the following Articles:

### 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 Lisbon, February 4, 1914,<sup>2</sup> and which are justiciable in their nature

<sup>1</sup> TS 514, *ante*, p. 312.

<sup>2</sup> TS 600, *ante*, p. 331.

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,<sup>3</sup> 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 Portugal by the President of the Republic of Portugal after its enactment by law or by Decree with force of law.

#### 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 Portugal in accordance with the Covenant of the League of Nations.<sup>4</sup>

#### 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 President of the Republic of Portugal after its enactment by law or by Decree with the force of law.

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.

In faith whereof the undersigned have signed this treaty in duplicate in the English and Portuguese languages, both texts having equal force, and hereunto affixed their seals.

Done at Washington the first day of March in the year one thousand nine hundred and twenty-nine.

FRANK B. KELLOGG	[SEAL]
ALTE	[SEAL]

<sup>3</sup> TS 536, *ante*, vol. 1, p. 577.

<sup>4</sup> *Ante*, vol. 2, p. 48.