

CLAIMS AGAINST VENEZUELA

Protocols signed at Washington May 7, 1903

Entered into force May 7, 1903

*Terminated February 22, 1904, upon rendition of award by the
Permanent Court of Arbitration*¹

Treaty Series 420-A

VENEZUELA AND THE UNITED KINGDOM

WHEREAS Protocols have been signed between Venezuela on the one hand, and Great Britain, Germany, Italy, United States of America,² France, Spain, Belgium, the Netherlands, Sweden and Norway, and Mexico, on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government;

AND WHEREAS certain further questions arising out of the action taken by the Governments of Great Britain, Germany and Italy, in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods;

AND WHEREAS the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provisions of the Convention for the Pacific Settlement of International Disputes, signed at The Hague on the 29th July, 1899;³

The Governments of Venezuela and Great Britain have, with a view to carry out that Resolution, authorized their Representatives, that is to say:—

For Venezuela, Mr. Herbert W. Bowen, duly authorized thereto by the Government of Venezuela, and for Great Britain His Excellency Sir Michael

¹ The award, signed on Feb. 22, 1904, provided:

"1. Germany, Great Britain and Italy have a right to preferential treatment for the payment of their claims against Venezuela;

"2. Venezuela having consented to put aside 30 per cent of the revenues of the Customs of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the three above named Powers have a right to preference in the payment of their claims by means of these 30 per cent of the receipts of the two Venezuelan Ports above mentioned;

"3. Each Party to the litigation shall bear its own costs and an equal share of the costs of the Tribunal."

For complete text of award and additional details, see 1904 For. Rel. 505-519.

² Protocol between the United States and Venezuela signed Feb. 17, 1903; for text, see 1903 For. Rel. 804 or TS 420, *post*.

³ TS 392, *ante*, p. 230.

Henry Herbert G. C. M. G., C. B., His Britannic Majesty's Ambassador Extraordinary and Plenipotentiary to the United States of America, to conclude the following Agreement.

ARTICLE I

The question as to whether or not Great Britain, Germany and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela shall be submitted for final decision to the Tribunal at The Hague.

Venezuela having agreed to set aside thirty per cent of the Customs Revenues of La Guaira and Puerto Cabello for the payment of the claims of all nations against Venezuela the Tribunal at the Hague shall decide how the said revenues shall be divided between the Blockading Powers on the one hand and the other Creditor Powers on the other hand, and its decision shall be final.

If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the Creditor Powers, and the Parties hereto agree that the Tribunal in that case shall consider, in connection with the payment of the claims out of the 30 per cent, any preference or pledges of revenue enjoyed by any of the Creditor Powers and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

ARTICLE II

The facts on which shall depend the decision of the questions stated in Article I shall be ascertained in such manner as the Tribunal may determine.

ARTICLE III

The Emperor of Russia shall be invited to name and appoint from the members of the Permanent Court of the Hague three arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this Agreement. None of the arbitrators so appointed shall be a citizen or subject of any of the Signatory or Creditor Powers.

This Tribunal shall meet on the first day of September, 1903, and shall render its decision within six months thereafter.

ARTICLE IV

The proceedings shall be carried on in the English language, but arguments may, with the permission of the Tribunal, be made in any other language also.

Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of the Hague of July 29, 1899.

ARTICLE V

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29, 1899, also decide how, when and by whom the costs of this arbitration shall be paid.

ARTICLE VI

Any nation having claims against Venezuela may join as a party in the arbitration provided for by this Agreement.

Done at Washington this seventh day of May, 1903.

[For Venezuela:]

[SEAL] HERBERT W. BOWEN.

[For the United Kingdom:]

[SEAL] MICHAEL H. HERBERT

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America.

JOHN HAY.

For the Republic of Mexico,

[SEAL] M. DE AZPIROZ.

For Sweden and Norway,

[SEAL] May 27, 1903. A. GRIP.

[TRANSLATION]

The Ambassador of France, duly authorized and acting in the name of his Government, accedes to the above Protocol, subject to the understanding that article IV of the aforementioned protocol will not prevent application of the provision of article 38 of the Hague Convention, under the terms of which the arbitral Tribunal decides on the choice of languages to be used by itself and to be authorized for use before it.

June 1, 1903

[SEAL] JUSSERAND.

[TRANSLATION]

The Minister of Belgium, duly authorized and acting in the name of his Government, accedes to the above protocol.

June 12, 1903

[SEAL] BN. MONCHEUR.

[TRANSLATION]

The Minister of the Netherlands, duly authorized and acting in the name of his Government, accedes to the above protocol.

Washington, June 13, 1903.

[SEAL] GEVERS.

VENEZUELA AND GERMANY

Whereas protocols have been signed between Germany, Great Britain, Italy, the United States of America, France, Spain, Belgium, The Netherlands, Sweden and Norway, and Mexico on the one hand, and Venezuela on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government:

And whereas certain further questions arising out of the action taken by the Governments of Germany, Great Britain and Italy, in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods:

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provisions of the Convention for the Pacific Settlement of International Disputes, signed at the Hague on the 29th July 1899.

Venezuela and Germany have, with a view to carry out that Resolution, authorized their representatives, that is to say:

Mr. Herbert W. Bowen as plenipotentiary of the Government of Venezuela and

The Imperial German Minister Baron Speck von Sternburg as representative of the Imperial German Government to conclude the following Agreement:

ARTICLE 1

The question as to whether or not Germany, Great Britain, and Italy are entitled to preferential or separate treatment in the payment of their claims against Venezuela, shall be submitted for final decision to the Tribunal at the Hague.

Venezuela having agreed to set aside 30% of the customs revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at the Hague shall decide how the said revenues shall be divided between the blockading Powers on the one hand and the other creditor Powers on the other hand and its decision shall be final.

If preferential or separate treatment is not given to the blockading Powers the Tribunal shall decide how the said revenues shall be distributed among all the creditor Powers and the parties hereto agree that the Tribunal in that case shall consider in connection with the payment of the claims out of the 30% any preference or pledges of revenue enjoyed by any of the creditor Powers, and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

ARTICLE 2

The facts on which shall depend the decision of the questions stated in Article 1 shall be ascertained in such manner as the Tribunal may determine.

ARTICLE 3

The Emperor of Russia shall be invited to name and appoint from the members of the permanent Court of the Hague three arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this agreement. None of the arbitrators so appointed shall be a subject or citizen of any of the signatory or creditor Powers.

This Tribunal shall meet on the first day of September 1903, and shall render its decision within six months thereafter.

ARTICLE 4

The proceedings shall be carried on in the English language but arguments may with the permission of the Tribunal be made in any other language also. Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of the Hague of July 29th 1899.

ARTICLE 5

The Tribunal shall, subject to the general provision laid down in Article 57 of the International Convention of July 29, 1899, also decide how, when and by whom the cost of this Arbitration shall be paid.

ARTICLE 6

Any nation having claims against Venezuela may join as a party in the Arbitration provided for by this Agreement.

Done in duplicate at Washington this seventh day of May one thousand and nine hundred and three.

[For Venezuela:]

[SEAL] HERBERT W. BOWEN.

[For Germany:]

[SEAL] STERNBURG.

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America
JOHN HAY

For the Republic of Mexico
[SEAL] M. DE AZPIROZ.

For Sweden and Norway,
[SEAL] MAY 27, 1903. A. GRIP.

[TRANSLATION]

The Ambassador of France, duly authorized and acting in the name of his Government, accedes to the above Protocol, subject to the understanding that article IV of the aforementioned Protocol will not prevent application of the provision of article 38 of the Hague Convention, under the terms of

which the arbitral Tribunal decides on the choice of languages to be used by itself and to be authorized for use before it.

June 1, 1903
[SEAL] JUSSEMAND.

[TRANSLATION]

The Minister of Belgium, duly authorized and acting in the name of his Government, accedes to the above protocol.

June 12, 1903
[SEAL] BN. MONCHEUR.

[TRANSLATION]

The Minister of the Netherlands, duly authorized and acting in the name of his Government, accedes to the above protocol.

Washington, June 13, 1903.
[SEAL] GEVERS.

VENEZUELA AND ITALY

Whereas Protocols have been signed between Venezuela, on the one hand, and Italy, Great Britain, Germany, United States of America, France, Spain, Belgium, The Netherlands, Sweden and Norway and Mexico, on the other hand, containing certain conditions agreed upon for the settlement of claims against the Venezuelan Government;

And whereas certain further questions arising out of the action taken by the Governments of Italy, Germany and Great Britain in connection with the settlement of their claims, have not proved to be susceptible of settlement by ordinary diplomatic methods;

And whereas the Powers interested are resolved to determine these questions by reference to arbitration in accordance with the provision of The Convention for the Pacific Settlement of International Disputes signed at The Hague on the 29th July, 1899;

The Governments of Venezuela and Italy, with a view to carry out that resolution, authorized their Representatives, that is to say:

For Venezuela Mr. Herbert W. Bowen duly authorized thereto by the Government of Venezuela;

For Italy, His Excellency Nobile Edmondo Mayor des Planches, His Majesty The King of Italy's Ambassador Extraordinary and Plenipotentiary to the United States of America;

to conclude the following Agreement:

ARTICLE I

The question as to whether or not Italy, Germany and Great Britain are

entitled to preferential or separate treatment in the payment of their claims against Venezuela shall be submitted for final decision to the Tribunal at The Hague.

Venezuela having agreed to set aside thirty per cent of the Customs Revenues of La Guayra and Puerto Cabello for the payment of the claims of all nations against Venezuela, the Tribunal at The Hague shall decide how the said revenues shall be divided between the Blockading Powers, on the one hand, and the other Creditor Powers, on the other hand, and its decision shall be final.

If preferential or separate treatment is not given to the Blockading Powers, the Tribunal shall decide how the said revenues shall be distributed among all the Creditor Powers; and the Parties hereto agree that the Tribunal, in that case, shall consider, in connection with the payment of the claims out of 30% any preference or pledges of revenues enjoyed by any of the Creditor Powers and shall accordingly decide the question of distribution so that no Power shall obtain preferential treatment, and its decision shall be final.

ARTICLE II

The facts on which shall depend the decision of the questions stated in Article I shall be ascertained in such manner as the Tribunal may determine.

ARTICLE III

The Emperor of Russia shall be invited to name and appoint from the Members of the Permanent Court of The Hague three Arbitrators to constitute the Tribunal which is to determine and settle the questions submitted to it under and by virtue of this Agreement.

None of the Arbitrators so appointed shall be a citizen or a subject of any of the Signatory or Creditor Powers.

This Tribunal shall meet on the first day of September, 1903 and shall render its decision within six months thereafter.

ARTICLE IV

The proceedings shall be carried on in the English language, but arguments may, with the permission of the Tribunal, be made in any other language also.

Except as herein otherwise stipulated, the procedure shall be regulated by the Convention of The Hague of July 29th 1899.

ARTICLE V

The Tribunal shall, subject to the general provision laid down in Article 57

of the International Convention of July 29th 1899, also decide how, when and by whom the costs of this Arbitration shall be paid.

ARTICLE VI

Any nation having claims against Venezuela may join as a party in the Arbitration provided for by this Agreement.

Washington D.C. May 7, 1903

[For Venezuela:]

HERBERT W. BOWEN. [SEAL]

[For Italy:]

E. MAYOR DES PLANCHES [SEAL]

The undersigned nations having claims against Venezuela hereby join with her as parties in the arbitration provided for in the foregoing protocol.

For the United States of America

JOHN HAY

For the Republic of Mexico

[SEAL] M. DE AZPIROZ

For Sweden and Norway,

[SEAL] May 27, 1903. A. GRIP.

[TRANSLATION]

The Ambassador of France, duly authorized and acting in the name of his Government, accedes to the above Protocol, subject to the understanding that article IV of the aforementioned protocol will not prevent application of the provision of article 38 of the Hague Convention, under the terms of which the arbitral Tribunal decides on the choice of languages to be used by itself and to be authorized for use before it.

June 1, 1903

[SEAL] JUSSERAND.

[TRANSLATION]

The Minister of Belgium, duly authorized and acting in the name of his Government, accedes to the above protocol.

June 12, 1903

[SEAL] BN. MONCHEUR.

[TRANSLATION]

The Minister of the Netherlands, duly authorized and acting in the name of his Government, accedes to the above protocol.

Washington, June 13, 1903.

[SEAL] GEVERS.