

TREATY SERIES. No. 21.

1908.

ARBITRATION CONVENTION

BETWEEN

THE UNITED KINGDOM AND THE UNITED
STATES OF AMERICA,

TOGETHER WITH AN

EXCHANGE OF NOTES AS TO THE
INTERPRETATION OF ARTICLE 2.

Signed at Washington, April 4, 1908.

[*Ratifications exchanged at Washington, June 4, 1908.*]

*Presented to both Houses of Parliament by Command of His Majesty.
August 1908.*

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His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, and the President of the United States of America, desiring in pursuance of the principles set forth in Articles 15-19 of the Convention for the pacific settlement of international disputes, signed at The Hague July 29, 1899, to enter into negotiations for the conclusion of an Arbitration Convention, have named as their Plenipotentiaries, to wit :

His Majesty the King of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, Emperor of India, The Right Honourable James Bryce, O.M., and

The President of the United States of America, Elihu Root, Secretary of State of the United States,

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

ARTICLE 1.

Differences which may arise of a legal nature or relating to the interpretation of treaties existing between the two Contracting Parties and which it may not have been possible to settle by diplomacy, shall be referred to the Permanent Court of Arbitration established at The Hague by the Convention of the 29th of July, 1899, provided, nevertheless, that they do not affect the vital interests, the independence, or the honour of the two Contracting States, and do not concern the interests of third Parties.

ARTICLE 2.

In each individual case the High Contracting Parties, before appealing to the Permanent Court of Arbitration, shall conclude a special Agreement defining clearly the matter in dispute, the scope of the powers of the Arbitrators, and the periods to be fixed for the formation of the Arbitral Tribunal and the several stages of the procedure. It is understood that such special agreements on the part of the United States will be made by the President of the United States, by and with the advice and consent of the Senate thereof; His Majesty's Government reserving the right before concluding a special agreement in any matter affecting the interests of a self-governing Dominion of the British Empire to obtain the concurrence therein of the Government of that Dominion.

Such Agreements shall be binding only when confirmed by the two Governments by an Exchange of Notes.

ARTICLE 3.

The present Convention shall be ratified by His Britannic Majesty, and by the President of the United States of America by and with the advice and consent of the Senate thereof. The ratifications shall be exchanged at Washington as soon as possible, and the Convention shall take effect on the date of the exchange of its ratifications.

ARTICLE 4.

The present Convention is concluded for a period of five years, dating from the day of the exchange of its ratifications.

Done in duplicate at the City of Washington, this fourth day of April, in the year 1908.

(Signed) JAMES BRYCE.

(Signed) ELIHU ROOT.

Annex.

Sir,

Washington, April 4, 1908.

I HAVE the honour to inform you that I have been instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place on record, on behalf of His Majesty's Government, with reference to the General Arbitration Treaty just signed by you and myself, that the final sentence of Article 2 has been inserted

in order to reserve to both Governments the freedom of action secured to the United States' Government under their Constitution until any Agreement which may have been arrived at shall have been notified to be finally binding and operative by an exchange of notes. It is understood that this Treaty will not apply to existing pecuniary claims nor to the negotiation and conclusion of the special Treaty recently recommended by the International Waterways Commission or any other such Treaty for the settlement of questions connected with boundary waters.

I shall be obliged if you will inform me of the concurrence of the United States' Government in the terms of this note.

I have, &c.

(Signed) JAMES BRYCE.

The Honourable Elihu Root,
Secretary of State.

*Department of State, Washington,
April 4, 1908.*

Excellency,

IN signing with you to-day a General Arbitration Treaty which has been negotiated between our respective Governments, I have the honour to acknowledge and take due cognizance of your note of this day's date, whereby you inform me that you are instructed by His Majesty's Principal Secretary of State for Foreign Affairs to place on record, on behalf of His Majesty's Government, with reference to said Treaty, that the final sentence of Article 2 has been inserted in order to reserve to both Governments the freedom of action secured to the United States' Government under their Constitution until any Agreement which may have been arrived at shall have been notified to be finally binding and operative, by an exchange of notes. The Government of the United States, in turn, declares that its understanding of the final sentence of Article 2 aforesaid is that which you set forth on behalf of His Majesty's Government.

I also take note of and concur in the understanding expressed in your note that the Treaty we have just signed will not apply to existing pecuniary claims nor to the negotiation and conclusion of the Special Treaty recently recommended by the International Waterways Commission or any other such Treaty for the settlement of questions connected with boundary waters.

I have, &c.

(Signed) ELIHU ROOT.

His Excellency the Right
Honourable J. Bryce, O.M.
&c. &c. &c.