

Arbitration treaty between the United States and France. Signed at Washington, February 6, 1928; ratification advised by the Senate, March 6, 1928; ratified by the President, March 15, 1928; ratified by France, April 6, 1929; ratifications exchanged at Washington, April 22, 1929; proclaimed, April 22, 1929. February 6, 1928.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS a Treaty of Arbitration between the United States of America and the French Republic was concluded and signed by their respective Plenipotentiaries at Washington on the sixth day of February, one thousand nine hundred and twenty-eight, the original of which treaty, being in the English and French languages, is word for word as follows: Arbitration with France. Preamble.

The President of the United States of America and the President of the French Republic

Determined to prevent so far as in their power lies any interruption in the peaceful relations that have happily existed between the two nations for more than a century;

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

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;

Having in mind the treaty signed at Washington on September 15, 1914, to facilitate the settlement of disputes between the United States of America and France;

Have decided to conclude a new treaty of arbitration enlarging the scope of the arbitration

Le Président des Etats-Unis d'Amérique et le Président de la République Française,

Résolus à prévenir autant qu'il est en leur pouvoir toute interruption dans les relations pacifiques qui ont heureusement existé entre les deux nations depuis plus d'un siècle;

Désireux d'affirmer de nouveau leur adhésion à la politique consistant à soumettre à une décision impartiale toutes contestations susceptibles de décisions judiciaires qui viendraient à s'élever entre eux;

Soucieux, par leur exemple, non seulement de manifester que, dans leurs relations réciproques, ils condamnent la guerre comme instrument de leur politique nationale, mais encore de hâter le moment où la conclusion d'accords internationaux pour le règlement pacifique des conflits entre les Etats aura écarté pour toujours les possibilités de guerre entre les nations du monde;

Considérant le traité signé à Washington le 15 Septembre 1914 pour faciliter le règlement des litiges entre les Etats-Unis d'Amérique et la France;

Ont décidé de conclure un nouveau traité d'arbitrage élargissant la portée de la Convention

Contracting Powers.

Purpose declared.

Vol. 38, p. 1887.

Vol. 35, p. 1925.

convention signed at Washington on February 10, 1908, which expires by limitation on February 27, 1928, and promoting the cause of arbitration and for that purpose they have appointed as their respective Plenipotentiaries:

Plenipotentiaries.

The President of the United States of America:

Mr. Robert E. Olds, Acting Secretary of State, and

The President of the French Republic:

His Excellency Mr. Paul Claudel, Ambassador Extraordinary and Plenipotentiary of the French Republic 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:

ARTICLE I.

International differences not adjusted by diplomacy, referred by special agreement to Permanent International Commission.

Vol. 38, p. 1887.

Any disputes arising between the Government of the United States of America and the Government of the French Republic of whatever nature they may be, shall, when ordinary diplomatic proceedings have failed and the High Contracting Parties do not have recourse to adjudication by a competent tribunal, be submitted for investigation and report, as prescribed in the treaty signed at Washington, September 15, 1914, to the Permanent International Commission constituted pursuant thereto.

ARTICLE II.

Special agreement.

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 above-mentioned Permanent International Commission, 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

d'arbitrage signée à Washington le 10 Février 1908, qui vient à expiration le 27 Février 1928, et contribuant à avancer la cause de l'arbitrage, et à ces fins ont désigné pour leurs plénipotentiaires respectifs, savoir:

Le Président des Etats-Unis d'Amérique:

M. Robert E. Olds, Secrétaire d'Etat par intérim, et

Le Président de la République Française:

Son Excellence M. Paul Claudel, Ambassadeur Extraordinaire et Plénipotentiaire de la République Française aux Etats-Unis, lesquels, après s'être communiqué leurs pleins pouvoirs reconnus en bonne et due forme, sont convenus des dispositions suivantes:

ARTICLE I.

Tous différends qui viendraient à s'élever entre le Gouvernement des Etats-Unis d'Amérique et le Gouvernement de la République Française, de quelque nature qu'ils soient, seront, lorsque les procédés diplomatiques ordinaires auront échoué et que les Hautes Parties contractantes n'auront pas recouru à la décision d'un tribunal compétent, soumis pour enquête et rapport, ainsi qu'il est prévu dans le traité signé à Washington le 15 Septembre 1914, à la Commission Permanente Internationale instituée par cet acte.

ARTICLE II.

Tous différends concernant des affaires internationales dans lesquelles les Hautes Parties Contractantes se trouvent engagées par suite de la prétention d'un droit allégué par l'une à l'encontre de l'autre en vertu d'un traité ou autrement, qui n'auront pu être réglés par la voie diplomatique, non plus que par l'application du recours à la Commission permanente internationale visée dans l'article premier et qui en raison de leur nature susceptible d'une décision appliquant les principes du droit et de l'équité, peuvent être jugés, seront soumis à la

tration established at The Hague by the Convention of October 18, 1907, 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 France in accordance with the constitutional laws of France.

ARTICLE III.

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 France in accordance with the covenant of the League of Nations.

ARTICLE IV.

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 French Republic in accordance with the constitutional laws of the French Republic.

The ratifications shall be exchanged at Washington as soon as possible, and the treaty shall take

Cour permanente d'arbitrage établie à La Haye par la Convention du 18 Octobre 1907 ou à un autre tribunal compétent, ce qui sera décidé dans chaque cas par accord spécial; cet accord spécial pourvoira à l'organisation dudit tribunal s'il est nécessaire, définira ses pouvoirs, exposera la ou les questions en litige et déterminera la question à résoudre.

L'accord spécial dans chaque cas sera conclu en ce qui concerne les Etats-Unis d'Amérique par le Président des Etats-Unis d'Amérique sur et avec l'avis et le consentement du Sénat des Etats-Unis et en ce qui concerne la France en conformité des lois constitutionnelles de la France.

ARTICLE III.

Les dispositions du présent traité ne pourront pas être invoquées en ce qui concerne les différends dont l'objet:

a) relève de la juridiction nationale de l'une ou de l'autre des Hautes Parties Contractantes;

b) touche aux intérêts de tierces puissances;

c) dépend du maintien ou touche au maintien de l'attitude traditionnelle des Etats-Unis d'Amérique dans les affaires américaines, communément connue sous le nom de doctrine de "Monroe";

d) dépend de l'observation ou touche à l'observation des engagements de la France en conformité du Pacte de la Société des Nations.

ARTICLE IV.

Le présent traité sera ratifié par le Président des Etats-Unis d'Amérique sur et avec l'avis et le consentement du Sénat des Etats-Unis d'Amérique et par le Président de la République Française en conformité des lois constitutionnelles de la République Française.

Les ratifications seront échangées à Washington aussitôt que faire se pourra et le traité prendra

Vol. 36, p. 2221.

Subjects not included.

Ratification.

Exchange of ratifications.

Duration.	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.	effet à la date de l'échange des ratifications. Il restera ensuite en vigueur sans limite de durée. Toutefois il pourra être dénoncé par l'une ou l'autre des Hautes Parties Contractantes et dans ce cas il cessera ses effets à l'expiration du délai d'un an à dater de la dénonciation.
Signatures.	In faith thereof the respective Plenipotentiaries have signed this treaty in duplicate in the English and French languages, both texts having equal force, and hereunto affix their seals. Done at Washington the sixth day of February in the year of our Lord one thousand nine hundred and twenty-eight.	En foi de quoi les plénipotentiaires respectifs ont signé le présent traité dressé en deux exemplaires, l'un et l'autre en anglais et en français, les deux textes faisant également foi, et y ont apposé leurs cachets. Fait à Washington, le six du mois de Février, mil neuf cent vingt-huit.

ROBERT E. OLDS [SEAL]
CLAUDEL [SEAL]

Ratifications exchanged.

AND WHEREAS the said Treaty has been duly ratified on both parts, and the ratifications of the two Governments were exchanged in the city of Washington on the twenty-second day of April, one thousand nine hundred and twenty-nine;

Proclamation.

NOW, THEREFORE, be it known that I, Herbert Hoover, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this twenty-second day of April in the year of our Lord one thousand nine hundred and [SEAL] twenty-nine, and of the Independence of the United States of America the one hundred and fifty-third.

HERBERT HOOVER

By the President:
HENRY L STIMSON
Secretary of State.

Exchange of Notes.

[EXCHANGE OF NOTES]

Note from Secretary of State to French Ambassador.

[The Secretary of State to the French Ambassador]

DEPARTMENT OF STATE,
Washington, March 1, 1928.

EXCELLENCY:

New Arbitration Treaty not to affect the Treaty of 1914.

As you are aware it was not the intention or desire of the Government of the United States that the new Arbitration Treaty, which was proposed to your Government last December and signed on February 6, 1928, should be held to affect in any way the provisions of the Treaty for the Advancement of Peace signed by France and the United States on September 15, 1914, and I have understood that the Government of the French Republic was in accord with the Government of the United States on this point.

Vol. 38, p. 1887.

In order to prevent the possibility of any future misunderstanding, however, I desire formally to state that in the opinion of the Government of the United States the provisions of the Arbitration Treaty signed February 6, 1928, do not in the slightest degree affect or modify the provisions of the Treaty signed September 15, 1914. I should be glad to receive a note from you confirming

my understanding that your Government's interpretation of the Treaty signed February 6, 1928, is identical with that of the Government of the United States as expressed above.

Accept, Excellency, the renewed assurance of my highest consideration.

FRANK B. KELLOGG

His Excellency
Mr. PAUL CLAUDEL
Ambassador of the French Republic

[The French Ambassador to the Secretary of State]

AMBASSADE DE LA RÉPUBLIQUE FRANÇAISE
AUX ÉTATS-UNIS
Washington, le 5 mars, 1928

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

Par lettre en date du 1^{er} de ce mois, Votre Excellence a bien voulu me faire savoir que, dans l'esprit du Gouvernement fédéral, "les dispositions du traité d'arbitrage signé le 6 février 1928 n'affectent et ne modifient à aucun degré les dispositions du traité signé le 15 septembre 1914". Elle a ajouté qu'Elle serait heureuse de recevoir de moi une lettre confirmant que mon Gouvernement partage ce point de vue.

Mon Gouvernement, auquel je n'avais pas manqué de transmettre le texte même de la note de Votre Excellence, me prie de Lui assurer que son interprétation du Traité signé le 6 février 1928 est identique à celle du Gouvernement des États-Unis, telle qu'elle est exposée ci-dessus.

Mon Gouvernement estime que notre récent traité d'arbitrage non seulement laisse intact le traité de 1914 mais en prévoit même l'application.

Veillez agréer, Monsieur le Secrétaire d'Etat, les assurances de ma haute considération.

CLAUDEL

Son Excellence
L'Honorable FRANK B. KELLOGG,
Secrétaire d'Etat des États-Unis,
Washington, D. C.

[The French Ambassador to the Secretary of State]

[Translation]

EMBASSY OF THE FRENCH REPUBLIC
TO THE UNITED STATES,
Washington, March 5, 1928.

MR. SECRETARY OF STATE:

By a note dated the first of this month Your Excellency has been good enough to inform me that in the opinion of the Federal Government "the provisions of the treaty of arbitration signed February 6, 1928, do not in the slightest degree affect or modify the provisions of the treaty signed September 15, 1914". You added that you would be glad to receive from me a note confirming that my Government shares this point of view.

My Government, to which I did not fail to transmit the text of Your Excellency's note, has requested me to assure you that its interpretation of the treaty signed February 6, 1928, is identical with that of the Government of the United States as expressed above.

My Government is of the opinion that our recent arbitration treaty not only leaves the 1914 treaty unchanged but even envisages its application.

Please accept, Mr. Secretary of State, the assurances of my high consideration.

CLAUDEL

His Excellency
The Honorable FRANK B. KELLOGG,
Secretary of State of the United States,
Washington, D. C.

Note of concurrence
from French Ambassa-
dor to Secretary of
State.