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XV. Habana Meeting of the Ministers of Foreign Affairs

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Final Act and Convention

The following texts of the Act and Convention of the Second Meeting of the Ministers of Foreign Affairs of the American Republics at Habana are being printed in order that they may be generally available without further delay, although the certified copies have not yet been received. It is believed that they are correct.

FINAL ACT

The Governments of the American Republics, in order that their Ministers of Foreign Affairs or their Personal Representatives might meet for purposes of consultation in accordance with agreements approved at prior Inter-American Conferences, duly accredited the Delegates hereinbelow expressed (following the order of precedence determined by lot) who met in the City of Habana during the period comprised between the twenty-first and the thirtieth of July, one thousand nine hundred and forty, in answer to the invitation of the Government of the Republic of Cuba:

HONDURAS

His Excellency SILVERIO LAINEZ, Personal Representative of
His Excellency The Minister of Foreign Affairs

HAITI

His Excellency LEON LALEAU, Secretary of State for Foreign Affairs

COSTA RICA

His Excellency LUIS ANDERSON MORÚA, Personal Representative of His Excellency The Secretary of Foreign Affairs

MEXICO

His Excellency EDUARDO, SUÁREZ, Personal Representative of His Excellency The Secretary of Foreign Affairs

ARGENTINA

His Excellency LEOPOLDO MELO, Personal Representative of His Excellency The Minister of Foreign Affairs

URUGUAY

His Excellency PEDRO MANINI RIOS, Personal Representative of His Excellency The Minister of Foreign Affairs

ECUADOR

His Excellency JULIO TOBAR DONOSO, Minister of Foreign Affairs

BOLIVIA

His Excellency ENRIQUE FINOT, Personal Representative of His Excellency The Minister of Foreign Affairs

CHILE

His Excellency OSCAR SCHNAKE, Personal Representative of His Excellency The Minister of Foreign Affairs

BRAZIL

His Excellency MAURICIO NABUCO, Personal Representative of His Excellency The Minister of Foreign Affairs

CUBA

His Excellency MIGUEL ANGEL CAMPA, Secretary of State

PARAGUAY

His Excellency TOMÁS A. SALOMONI, Minister of Foreign Affairs

PANAMA

His Excellency NARCISO GARAY, Secretary of Foreign Relations and Communications

COLOMBIA

His Excellency LUIS LÓPEZ DE MESA, Minister of Foreign Affairs

VENEZUELA

His Excellency DIÓGENES ESCALANTE, Personal Representative of His Excellency The Minister of Foreign Affairs

EL SALVADOR

His Excellency HÉCTOR ESCOBAR SERRANO, Personal Representative of His Excellency The Minister of Foreign Affairs

DOMINICAN REPUBLIC

His Excellency ARTURO DESPRADEL, Secretary of State for Foreign Affairs

PERU

His Excellency LINO CORNEJO, Personal Representative of His Excellency The Minister of Foreign Affairs

NICARAGUA

His Excellency MARIANO ARGÜELLO, Minister of Foreign Affairs

GUATEMALA

His Excellency CARLOS SALAZAR, Secretary of Foreign Affairs

UNITED STATES OF AMERICA

His Excellency CORDELL HULL, Secretary of State

The Meeting held its inaugural session on the twenty-first day of July, one thousand nine hundred and forty, at four o'clock in the afternoon, in the Hall of Sessions of the House of Representatives, in the National Capitol, in the presence of His Excellency Dr. Federico Laredo Brú, President of the Republic of Cuba, under the provisional presidency of His Excellency Miguel Angel Campa, Secretary of State, with Dr. César Salaya y de la Fuente, acting as Secretary General.

The Regulations for the Meeting were approved by the Governing Board of the Pan American Union at a session held the twenty-ninth day of June, one thousand nine hundred and forty, and the Agenda at a session held by the same body on the fifth day of the current month.

The aforesaid Regulations and Agenda were ratified by the Meeting in the preliminary session held the twenty-second of July, one thousand nine hundred and forty, at ten o'clock in the morning.

At the Plenary Session held the same day at four o'clock in the afternoon, Dr. Miguel Angel Campa, Secretary of State of the Republic of Cuba, was elected Permanent President of the Meeting.

In compliance with the provisions of Articles VII and VIII of the Regulations, the following Committees were created: Credentials, Coordination, Neutrality, Preservation of Peace in the Western

Hemisphere and Economic Cooperation. For the constitution of the latter three Committees the division in three parts or chapters of the Agenda of the Meeting was taken into consideration.

At the same Preliminary Session at which the Regulations were ratified, the members of the above mention five Committees were appointed, as follows:

COMMITTEE ON CREDENTIALS

Their Excellencies:

NARCISO GARAY (Panama)
 TOMÁS A. SALOMONI (Paraguay)
 CARLOS SALAZAR (Guatemala)
 HÉCTOR ESCOBAR SERRANO (El Salvador)
 SILVERIO LAÍNEZ (Honduras)

COMMITTEE ON COORDINATION

Their Excellencies:

LEOPOLDO MELO (Argentina)
 MAURICIO NABUCO (Brazil)
 CORDELL HULL (United States of America)
 LEÓN LALEAU (Haiti)

COMMITTEE ON NEUTRALITY

Their Excellencies:

LEOPOLDO MELO (Argentina)
 LUIS ANDERSON MORÚA (Costa Rica)
 OSCAR SCHNAKE (Chile)
 PEDRO MANINI RIOS (Uruguay)
 ENRIQUE FINOT (Bolivia)
 CARLOS SALAZAR (Guatemala)
 SILVERIO LAÍNEZ (Honduras)

COMMITTEE ON PRESERVATION OF PEACE IN THE WESTERN HEMISPHERE

Their Excellencies:

CORDELL HULL (United States of America)
 DIÓGENES ESCALANTE (Venezuela)
 MAURICIO NABUCO (Brazil)

JULIO TOBAR DONOSO (Ecuador)
 ARTURO DESPRADEL (Dominican Republic)
 TOMÁS A. SALOMONI (Paraguay)
 NARCISO GARAY (Panama)

COMMITTEE ON ECONOMIC COOPERATION

Their Excellencies:

EDUARDO SUÁREZ (México)
 LUIS LÓPEZ DE MESA (Colombia)
 LINO CORNJEÓ (Perú)
 MARIANO ARGÜELO (Nicaragua)
 LEON LALEAU (Haiti)
 HÉCTOR ESCOBAR SERRANO (El Salvador)
 MIGUEL ANGEL CAMPA (Cuba)

At the same Preliminary Session already mentioned, it was unanimously resolved that the Committee referred to in Article VI was to be made up by the Ministers of Foreign Affairs of the American Republics or their Personal Representatives.

It was likewise resolved that the Delegations that presented projects corresponding to matters pertaining to any of the three last mentioned Committees, had the right to belong to the corresponding Committee, as *ex officio* members.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics approved the following votes, motions, declarations, recommendations and resolutions:

I

INTER-AMERICAN NEUTRALITY COMMITTEE

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Resolves:

One: To urge the Inter-American Neutrality Committee to draft a preliminary project of convention dealing with

the juridical effects of the Security Zone and the measures of international cooperation which the American States are ready to adopt to obtain respect for the said Zone.

Two: To entrust the Inter-American Neutrality Committee, which functions at Rio de Janeiro, with the drafting of a project of inter-American convention which will cover completely all the principles and rules generally recognized in international law in matters of neutrality, and especially those contained in the Resolutions of Panama, in the individual legislation of the different American States, and in the recommendations already presented by the same Committee.

Three: When the aforementioned project has been drafted, it shall be deposited in the Pan American Union, in order to be submitted for the signature, adhesion and ratification of the respective Governments of the American Republics.

Four: Pending the drafting, acceptance and ratification of the project, it is recommended that the American States adopt in their respective legislations concerning neutrality, the principles and rules contained in the Declarations of Panama and in the recommendations already drafted, or which may hereafter be drafted by the Inter-American Neutrality Committee, it being suggested that the incorporation of the said resolutions and recommendations in the respective legislations be made, in so far as practicable, in a codified and joint form.

Five: To direct that the aforementioned Inter-American Neutrality Committee submit, whenever it may deem advisable, its recommendations direct to the Governments of the American Republics, provided, however, that it shall report also concerning them to the Pan American Union.

Six: To recommend that the Pan American Union circulate among the Governments of the American States the minutes of the Inter-American Neutrality Committee of Rio de Janeiro, and that the minutes be published by the Pan American Union, when the said Committee deems it opportune.

Seven: That the Inter-American Neutrality Committee may function with the attendance of a minimum of five members, and that, whatever be the number of members

present at the meetings, resolutions shall be adopted with the favorable vote of at least four members.

Eight: That even though the Committee is permanent in nature, it is authorized to hold periodical meetings and to adjourn for a specified time, without prejudice to the calling of extraordinary sessions by the President, when some urgent and important question is to be considered.

Nine: To extend a vote of applause and congratulations, for its meritorious work, to the Inter-American Neutrality Committee of Rio de Janeiro, and to its members, Their Excellencies Afranio de Mello Franco, L. A. Podestá Costa, Mariano Fontecilla, A. Aguilar Machado, Charles G. Fenwick, Roberto Córdoba, Gustavo Herrera, Manuel Francisco Jiménez and S. Martínez Mercado.

II

NORMS CONCERNING DIPLOMATIC AND CONSULAR FUNCTIONS

WHEREAS:

1. One of the bases of the spiritual unity of the Americas has its roots in the firm adherence by the peoples of the Continent to the principles of international law.

2. The American Republics on February 20th, 1928 signed, at Habana, a Convention on Diplomatic Officers which contains the principles generally accepted by all nations.

3. The said Convention establishes, among others, the following principles:

a) Foreign diplomatic officers shall not participate in the domestic or foreign politics of the States in which they exercise their functions.

b) They must exercise their functions without coming into conflict with the laws of the country to which they are accredited.

c) They should not claim immunities which are not essential to the fulfillment of their official duties.

d) No State shall accredit its diplomatic officers to other States without previous agreement with the latter.

e) States may decline to review a diplomatic officer from another, or, having already accepted him, may request his recall without being obliged to state the reasons for such a decision.

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Resolves:

To urge the Governments of the American Republics to prevent, within the provisions of international law, political activities of foreign diplomatic or consular agents, within the territory to which they are accredited, which may endanger the peace and the democratic tradition of America.

XIII

HOSTILE ACTS IN TERRITORIAL WATERS AND IN THE SECURITY ZONE

WHEREAS:

1. At the First Meeting of the Ministers of Foreign Affairs held at Panama for the purpose of preserving peace, the neutrality of the American Republics was established, during the war begun in Europe; the irrevocable purpose was asserted of complying strictly with those duties within the principles of international law and the clauses of the conventions codifying them, and due respect was demanded for the situation created by those norms;

2. Within this purpose of maintaining security on this Continent, a maritime zone, adjacent to the territorial area of each nation was established, excluding such zone from hostile acts from the land, sea, or air;

3. In the hostilities, belligerency has transgressed the principles of international law, has disregarded

the duties imposed by neutrality, and has also brought about hostile acts, not only in the zone excluded by the XV Resolution of Panama, but also contrary to sovereignty in the maritime zone of some of the Republics ;

4. Without prejudice to the juridical procedure and settlement which should be given in each case to the claims raised because of these transgressions, it is necessary and opportune that the voice of the irrevocable purpose of practicing and demanding Republics of America condemn them and state the respect to the fullest extent for the norms regulating the existence of the international community,

The Second Meeting of the Ministers of the Foreign Affairs of the American Republics

Declares :

One. That it condemns hostilities within territorial waters, as contrary to the right of sovereignty of the nation having jurisdiction over them and to the tenets of international law.

Two. That it considers such hostilities within the Security Zone to be prejudicial to the votes and joint resolutions of the Republics of America for the preservation of peace on this Continent.

XIV

THE PEACEFUL SOLUTION OF CONFLICTS

WHEREAS :

In behalf of the closest possible unity of the Continent, it is imperative that differences existing between some of the American nations be settled,

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Resolves:

To recommend to the Governing Board of the Pan American Union that it organize, in the American capital deemed most suitable for the purpose, a Committee composed of representatives of five countries, which shall have the duty of keeping constant vigilance to insure that States between which any dispute exists or may arise, of any nature whatsoever, may solve it as quickly as possible, and of suggesting, without detriment to the methods adopted by the parties or to the procedures which they may agree upon, the measures and steps which may be conducive to a settlement.

The Committee shall submit a report to each Meeting of the Ministers of Foreign Affairs and to each International Conference of American States regarding the status of such conflicts and the steps which may have been taken to bring about a solution.

XV

RECIPROCAL ASSISTANCE AND COOPERATION FOR THE
DEFENSE OF THE NATIONS OF THE AMERICASThe Second Meeting of the Ministers of Foreign
Affairs of the American Republics*Declares:*

That any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against the States which sign this declaration.

In case acts of aggression are committed or should there be reason to believe that an act of aggression is being prepared by a non-American nation against the integrity or inviolability of the territory, the sovereign or the political independence of an American nation, the nations signatory to the present declaration will consult among themselves in order to agree upon the measure it may be advisable to take.

All the signatory nations, or two or more of them, according to circumstances, shall proceed to negotiate the necessary complementary agreements so as to organize cooperation for defense and the assistance that they shall lend each other in the event of aggressions such as those referred to in this declaration.

XVI

MAINTENANCE OF PEACE AND UNION AMONG THE AMERICAN REPUBLICS

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Declares:

One. That the Governments of the American Republics are irrevocably determined to maintain and strengthen their union, in order that America may fulfill its high mission on behalf of civilization;

Two. That they will, therefore, omit no effort to prevent any controversy which might impair their solidarity;

Three. That they will also make every effort to settle in a friendly manner and as soon as possible the differences which exist between them, in order that their reciprocal confidence and their cooperation for continental defense against any foreign aggression may be further strengthened;

Four. That they reaffirm their strong desire to avoid the use of force in this Continent as a means of solving differences between nations and, therefore, to resort exclusively to juridical and pacific methods;

Five. That they consider it essential to extend the sphere of action of these methods, so that in all cases they may be decisively effective for the preservation of peace;

Six. That they will, likewise, make every effort to the end that these principles and aspirations may be adopted in the relations between the nations of America and those of other continents;

Seven. That during the present period of hostilities they will strive for the maintenance of law and justice, in accordance with the Declarations of Panama;

Eight. That they vehemently desire that peace be established on bases which will be lasting and inspired by the common welfare of all peoples;

Nine. That they are disposed to maintain international relations on juridical bases resting on the solid foundation of moral forces, in order to reestablish definitely the bonds of human community; and

Ten. That, faithful to their ideals, they will coordinate their own interests with the duties of universal cooperation.

XVII

PROCEDURE ON CONSULTATION

WHEREAS:

1. It is incumbent upon the present Meeting, as provided in paragraph 3 of Chapter II of the Agenda, to examine the functioning of the system of consultation among the Governments of the American Republics established by the resolutions of the Inter-American Conference for the Maintenance of Peace and of the Eighth International Conference of American States, for the purpose of suggesting measures susceptible of perfecting it;

2. The high motives which led the American Republics to put the aforementioned system into effect, will continue to make advisable the convoking of other Meetings such as those of Panama and of Habana, whenever the lofty interests of the Continent so require;

3. Future Meetings, as in the case of the present one, will have to be convoked under the pressure of events and under emergency conditions which will make it difficult and inadvisable to determine in advance the most appropriate time and country for the Meeting;

4. Prior to the First and the Second Consultative Meetings, the experience and knowledge of the Governing Board of the Pan American Union was resorted to, and in convoking future Meetings, it would be advisable to take advantage of the collaboration of that body,

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Resolves:

One. The Government which desires to initiate consultation in any of the cases contemplated in the conventions, declarations and resolutions of the Inter-American Conferences, and to propose a Meeting of the Ministers of Foreign Relations or of their representatives, shall address the Governing Board of the Pan American Union indicating the questions with which it desires the consultation to deal, as well as the approximate date on which the Meeting should be held.

Two. The Governing Board shall immediately transmit the request, together with a list of the subjects suggested, to the other Governments, members of the Union, and invite the observations and suggestions which the respective Governments may desire to present.

Three. On the basis of the answers received, the Governing Board of the Pan American Union will determine the date for the Meeting, prepare the appropriate Agenda, and adopt, in accordance with the respective Governments, all other measures advisable for the preparation of the Meeting.

Four. The Governing Board of the Pan American Union shall proceed to draft regulations for Consultative Meetings which shall be submitted to all the American Governments for their approval.

Five. The Third Meeting of the Ministers of Foreign Affairs of the American Republics will be held at Rio de Janeiro, the capital of Brazil.

Six. After the next Meeting, the designation of the country where each Consultative Meeting shall be held, shall be

made by the Governing Board of the Pan American Union in accordance with the procedure set forth in the present resolution.

XX

ACT OF HABANA CONCERNING THE PROVISIONAL ADMINISTRATION OF EUROPEAN COLONIES AND POSSESSIONS IN THE AMERICAS

WHEREAS:

1. The status of regions in this Continent belonging to European powers is a subject of deep concern to all of the Governments of the American Republics;

2. As a result of the present European war there may be attempts at conquest, which has been repudiated in the international relations of the American Republics, thus placing in danger the essence and pattern of the institutions of America;

3. The doctrine of inter-American solidarity agreed upon at the meetings at Lima and at Panama requires the adoption of a policy of vigilance and defense so that systems or regimes in conflict with their institutions shall not upset the peaceful life of the American Republics, the normal functioning of their institutions, or the rule of law and order;

4. The course of military events in Europe and the changes resulting from them may create the grave danger that European territorial possessions in America may be converted into strategic centers of aggression against nations of the American Continent;

The Second Meeting of the Ministers of Foreign Affairs of the American Republics

Declares:

That when islands or regions in the Americas now under the possession of non-American nations are in danger of becoming the subject of barter of territory or change of sovereignty, the American nations, taking into account the imperative need of continental security and the desires of the inhabitants of the said islands or regions, may set up a regime of provisional administration under the following conditions:

(a) That as soon as the reasons requiring this measure shall cease to exist, and in the event that it would not be prejudicial to the safety of the American Republics, such territories shall, in accordance with the principle reaffirmed by this declaration that peoples of this Continent have the right freely to determine their own destinies, be organized as autonomous states if it shall appear that they are able to constitute and maintain themselves in such condition, or be restored to their previous status, whichever of these alternatives shall appear the more practicable and just;

(b) That the regions to which this declaration refers shall be placed temporarily under the provisional administration of the American Republics and this administration shall be exercised with the two-fold purpose of contributing to the security and defense of the Continent, and to the economic, political and social progress of such regions and,

Resolves:

To create an emergency committee, composed of one representative of each of the American Republics, which committee shall be deemed constituted as soon as two-thirds of its members shall have been appointed. Such appointments shall be made by the American Republics as soon as possible.

The committee shall meet on the request of any signatory of this resolution.

If it becomes necessary as an imperative emergency measure before the coming into effect of the convention approved by this Consultative Meeting, to apply its provisions

in order to safeguard the peace of the Continent, taking into account also the desires of the inhabitants of any of the above mentioned regions, the committee shall assume the administration of the region attacked or threatened, acting in accordance with the provisions of the said convention. As soon as the convention comes into effect, the authority and functions exercised by the committee shall be transferred to the Inter-American Commission for Territorial Administration.

Should the need for emergency action be so urgent that action by the committee cannot be awaited, any of the American Republics, individually or jointly with others, shall have the right to act in the manner which its own defense or that of the Continent requires. Should this situation arise, the American Republic or Republics taking action shall place the matter before the committee immediately, in order that it may consider the action taken and adopt appropriate measures.

None of the provisions contained in the present Act refers to territories or possessions which are the subject of dispute or claims between European powers and one or more of the Republics of the Americas.