CENTRAL AMERICA

DENUNCIATION BY NICARAGUA OF THE TREATY OF DECEMBER 20, 1907, INSTITUTING THE CENTRAL AMERICAN COURT OF JUSTICE. RENEWED ATTEMPT TO FORM A UNION OF CENTRAL AMERICAN REPUBLICS

EDITORIAL NOTE.—The five Central American States, Guatemala, Honduras, Salvador, Nicaragua and Costa Rica, then known as Guatemala, declared their independence in 1821, and were for a time incorporated in the Mexican Empire during 1822. Upon the declaration of a Mexican Republic they broke away from Mexico, and in July 1823 formed the Republic of the United States of Central America, which lasted until 1840. In 1842 an attempt to reunite was made which resulted in the Union of Guatemala, Honduras, Salvador and Nicaragua. This union was dissolved in 1845. In April 1845 Salvador and Guatemala proposed a conference for the purpose of forming another union. The conference did not take place. In October 1847 another attempt for union was made by Honduras, Salvador and Nicaragua; it also resulted in failure. In 1852 Honduras invited Salvador and Nicaragua to send delegates to a National Diet. Union was decreed under the name of the Republic of Central America. Nothing seems to have been accomplished. In 1862 Nicaragua invited Honduras, Salvador and Guatemala to form a union. Nothing came out of this attempt. In 1885 Guatemala and Honduras attempted to form a union by the use of force, but they were defeated by the combined forces of Salvador, Nicaragua and Costa Rica. In 1886 Guatemala proposed a congress to formulate a union. The Congress met at San José, Costa Rica, in 1888, and made a pact for a provisional union under the name of the Republic of Central America. Revolutions and strife broke out in Salvador and Guatemala and the attempt for union again resulted in failure. In June 1895, a pact was signed at Amapala by representatives of Honduras, Nicaragua and Salvador forming the Greater Republic of Central America. This Union was recognized by the United States on December 24, 1896. (For. Rel. 1896, p. 367.) The Department was advised of the dissolution of the Greater Republic of Central America on November 29, 1898. (For. Rel. 1898, p. 172.) In 1907 the five Central American Republics signed a number of treaties at the Conference of Washington. (For. Rel. 1907, p. 692 et seq.) The Central American Court of Justice was instituted in accordance with one of the above treaties. As Nicaragua refused to accept the decisions of the Court in the matter of the Bryan-Chamorro Canal Treaty between the United States and Nicaragua (For. Rel. 1916, p. 888), the treaty instituting the Court of Justice was denounced in 1917 by Nicaragua, and an attempt was made in that year to reunite the five Central American States as shown by the following correspondence.
Minister Jefferson to the Secretary of State

No. 352

American Legation
Managua, March 14, 1917.

Sir: Referring to my cable of March 7, 11 a. m.¹ relative to the withdrawal of the Nicaraguan Government from the Central American Court of Justice, I have the honor to enclose herewith for the information of the Department a copy and translation of the note from the Foreign Office of March 10, 1917, in which is transcribed the telegraphic communication of the Minister for Foreign Affairs to the Central American Governments declaring the intention of the Government of Nicaragua to withdraw from the Central American Court of Justice.

I have [etc.]

Benjamin L. Jefferson

[Inclosure—Translation]

The Minister for Foreign Affairs to Minister Jefferson

National Palace,
Managua, March 10, 1917.

Mr. Minister: I have the honor to transcribe the following telegraphic communication, confirmed today by letter, which was addressed to the Governments of Central America, relative to the Central American Court of Justice.

Managua, March 9, 1917.

Mr. Minister: Article XXVII of the Convention for the establishment of a Central American Court of Justice, signed in Washington December 20, 1907, provides that said Convention shall remain in force for the period of ten years, counting from the last ratification, which was that of the Government of Guatemala, dated March 11, 1908. The motives which there is no occasion to explain at this opportunity, among which I may cite as of principal consideration, that of the heavy expenses which the signatory governments are obliged to make for the maintenance of that Tribunal, without doubt for the most high purposes, expenses which are now incompatible with the difficult economic situation, because it continues to prevail throughout Nicaragua, these motives move my Government, with much pain, to make to your excellency, as it now makes, its withdrawal from the said Convention for the establishment of a Central American Court of Justice, in compliance with the cited article of the Convention which establishes the period of its enforcement, or also it may be at this moment the time to declare the intention of one of the parties with respect to the caducity of said Convention. In bringing the former to the knowledge of your excellency, I make haste to inform your Government that this declaration in no respect alters the sentiments which inspire my Government with the most keen and sincere feeling of fraternity for the Government of your excellency, availing myself at this time of the opportunity to reiterate to you the assurances of my most cordial and distinguished consideration with which I sign myself, your excellency’s obedient servant,

J. A. Urtecho

Tomorrow being the end of the period allowed by the Treaty, it was necessary yesterday to make the above inserted withdrawal in the form just expressed.

With assurances[etc.]

J. A. Urtecho

¹Printed under Nicaragua, Chamorro-Bryan Canal Treaty, etc., p. 1100.
The Minister of Salvador to the Secretary of State

LEGATION OF SALVADOR,

MR. SECRETARY: Acting under instructions from my Government, I have the honor to enclose herewith, for your excellency's information, translations of telegrams that have just passed between the Foreign Offices of Nicaragua and El Salvador bearing date the 9th and 16th instant, respectively, and relating to Nicaragua's denouncement of the convention for the establishment of a Central American Court of Justice, concluded at Washington on the 20th of December, 1907.

I beg leave, also, to bring to the attention of your excellency's Government the attached memorandum containing a brief expression of the views of the Government and people of El Salvador respecting that momentous act on the part of her sister Republic, and would be grateful if your excellency would be good enough to give some expression of the views of your Government as, in a way, one of the moral guarantors of the denounced convention.

With renewed assurances [etc.]

R. ZALDIVAR

[Inlosure 1—Telegram—Translation]

The Salvadoran Minister of Foreign Relations to the Nicaraguan Minister of Foreign Relations

SAN SALVADOR, March 16, 1917.

I have the honor to acknowledge the receipt of your excellency's esteemed telegram of the 9th instant, in which you are pleased to inform me that, according to Article 27 of the convention for the establishment of a Central American Court of Justice, the said convention shall remain in force for the term of ten years counted from the last ratification, which was that of the Guatemalan Government, on the 11th of March, 1908; and that, for reasons that need not be fully set forth on this occasion—but among which you cite the most important, to wit, the heavy expenses occasioned by the maintenance of the Central American Court, which expenses, you say, are already insupportable in face of the economic conditions under which Nicaragua is laboring—your Government regretfully denounces to this Government the said convention, in conformity with the above-cited Article that fixes the term within which the convention is to remain in force.

In reply, Mr. Minister, my Government begs to express to your excellency's Government the deep pain with which it has received the notification of the latter's intention to hold as rescinded the convention in question, at the approaching conclusion of the term prescribed in Article 27 thereof, because my Government considers the fact to be most momentous that that sister Republic should place itself outside the international concert of Central America which was created in 1907 by the Conventions of Washington (conventions that my Government is confident will be adhered to by the other signatory republics), and consequently outside the system which the Republics of the Isthmus established by those conventions for the pacific settlement of their disagreements and controversies—a highly beneficent system which the prominent men of America have recognized as being a most advanced step in the progress of international institutions. This act is the more regrettable when it is considered that just now all peoples are anxious to provide for their future well-being by seeking to protect themselves from the calamities of war by means of what must be acknowledged as one of the best methods, the adoption of a system of the kind that by good fortune has

*Printed supra.
been established in Central American States; a system that makes it easy to disadjust their agreements by the peaceful and honorable application of the principles of law and justice. This conception of the Central American Court of Justice must of necessity become more and more popular from now on, and the tribunal must come to be accepted as a wise and far-sighted measure that will reflect glory, not only on the Republics of Central America, but on the United States and Mexico, under the auspices of whose Governments was born that august international institution, the first of its kind.

For the reasons set forth, my Government believes that your excellency’s Government will contract a very grave moral responsibility if it carries out its intention of holding as rescinded the convention in question. Wherefore, in the most friendly and fraternal spirit, my Government has the honor hereby to address to the Nicaraguan Government, in the distinguished person of your excellency, the most respectful expression of its hope that the Government will generously strive to overcome any obstacles to its adherence to that pact and retire from its determination to withdraw therefrom, in order that it may continue, in unison with the Governments of its sister Republics, to enjoy the benefits of the stipulations agreed to at Washington, the object of which is that Central America should form an international nucleus guided, in the relations of its five States, by the canons of justice, law and peace.

If, in spite of the considerations above suggested, your excellency’s Government decides to insist upon its determination, I must inform your excellency’s illustrious Government that my Government understands that the stipulation contained in Article 27 of the Convention for the Establishment of a Central American Court of Justice, and prescribing the term within which it is to remain in force, cannot be availed of as justification in holding that convention alone to be rescinded whilst holding to be in full force and vigor the General Treaty of Peace and Amity that was concluded at Washington on the same date, because the first and most important of the stipulations of the latter pact provides, as the means whereby peace and the most complete harmony among the signatory Republics is to be maintained, that every difference or difficulty that may arise amongst them, of whatsoever nature it may be, shall be decided by means of the Central American Court of Justice. That stipulation constitutes the most essential provision of that General Treaty, and, consequently, my Government considers that its force and effect is wholly bound up with the life of the treaty itself. From this it must naturally be inferred that so long as one of the High Contracting Parties does not signify its intention to put an end to that treaty, in the manner prescribed in its 19th Article, the convention for the establishment of a Central American Court of Justice cannot be held to be rescinded, even though the term fixed in Article 27 of the latter may have elapsed. That term is merely a repetition of the identical term prescribed in Article 19 of the General Treaty, but it is unaccompanied by the provision granting power to denounce the convention separately at the end of the period.

My Government, Mr. Minister, takes refuge in the firm hope that the Government of Nicaragua will do all that may lie in its power to maintain in force the Treaties of Washington, and in thus giving expression to these most fervent hopes, it remains only to assure your excellency that the sentiments of my Government towards that sister Republic are inspired by the liveliest sympathy and the most sincere desire for the preservation of the friendly relations that happily exist between the two countries.

I beg [etc.]

R. ARRIETA ROSSI

[Inclusion 2—Memorandum]

The Government and people of El Salvador consider that the existence of the Central American Court of Justice is of vital importance to the maintenance of peace in Central America, since, in their opinion, that court is the fundamental basis of the General Treaty of Peace and Amity which was concluded at Washington on the 20th of December, 1907. They are also of the opinion that the contemplated rescission of the convention that created that court, if allowed to be consummated, will effectively carry with it the rescission of the other pact, because, conversely, so long as the General Treaty remains in force, it would be impossible to hold that the convention that gave life to a court which is called upon to settle peacefully all disagreements that may arise among the Central American States is not also in force; and that, therefore, if the Government
of Nicaragua persists in the determination of which the Salvadoran Foreign Office has been given notice, by telegram of March 9, then also must stand without force and effect the vitally important stipulations contained in these Treaties of Washington that were concluded under the auspices of the Governments of the United States and Mexico.

File No. 713.001/58

Minister Jefferson to the Secretary of State

No. 360

American Legation, Managua, April 3, 1917.

Sir: I have the honor to enclose herewith for the information of the Department Spanish copy and translation of notes exchanged between the Government of Nicaragua and that of El Salvador relative to the withdrawal of Nicaragua from the Central American Court of Justice, and also Spanish copy of the opinion of the Judge of Nicaragua, Dr. Daniel Gutiérrez Navas, in the case of El Salvador versus Nicaragua.

I have [etc.]

Benjamin L. Jefferson

[Inclosure—Translation]

The Nicaraguan Minister of Foreign Relations to the Salvadoran Minister of Foreign Relations Managua, March 20, 1917.

I have the honor to again address your excellency referring to your courteous telegram of 16th instant, in which after being pleased to acknowledge the receipt of my despatch of 9th instant you express the pain with which the most excellent Government of El Salvador has read the sentiments of my above despatch, which has occasioned the considerations expressed in your excellency’s telegraphic communication which I have noted and which ends with assurances of amity and fraternity for that most excellent Government, which it is my high honor to represent.

It is not my purpose, Mr. Minister, to enter into any controversy on this point, but simply to bring to the attention of that most excellent Government, through the worthy medium of your excellency, the opinion of my Government with respect to the questions raised by your excellency.

Nicaragua considers that the General Treaty of Peace and Amity of 1907 which establishes grounds for the general relations of the Central American countries and stipulates by way of recommendation certain essential points which were the object of special Conventions, constitutes an instrument entirely independent of the other Conventions signed on that same date, which are in their way separate and complete treaties, as each one of them appears in the correct form for that kind of documents, and as each one of them also contains its respective clause of a different period of time for its sole and own caducity, without having other bond or legal dependency than the high and generous spirit which dominated at its celebration.

Confirming by comparison that which precedes, I cite the case of the withdrawal from another of the treaties of the series on future Central American Conventions made by my predecessor, Don Diego M. Chameorro, on December 16, 1918, without there being made at that time observations of any kind regarding the consequences of the withdrawal.

In reality there truly was no necessity in the present case for the formal procedure of the withdrawal, so long as Article 27 of the respective convention conclusively declares, without other provision similar to that of the other treaties of the series, that “it shall always be considered in force for the period of ten

3Note of Mar. 16, printed supra.
4Not printed.
years”, the fatal provision to which my Government has submitted for the purpose of its notification of the 9th of this month, as much to comply with a provision of the Convention itself, as to avoid possible objections relative to the period of enforcement of the General Treaty of Peace and Amity. In other words, it is an act which is fulfilled by itself alone, without Nicaragua’s contracting special responsibilities, and which if it leaves unstable the first clause of the General Treaty of Peace and Amity in nothing does it disagree with the entirety of the others, as neither has it been affected by the instability which existed in fact in Articles IV, V, XII and XIII of the General Treaty itself, except by this circumstance that it forms a separate matter, notwithstanding its importance, in the series of the Conventions of Washington, this country ceases to take part in the international concert created by such conventions signed and observed by Nicaragua, which not only has not been exempt from contributing to the maintenance of the Central American Court of Justice, but also rendering all homage to that High Tribunal it always maintained its representative, and recently sent as its attorney to treat of one phase of the question on account of its high importance no one less than the President of the Judicial Power and of the Supreme Court of Justice of this Republic.

My Government pleased to return in full the friendly and fraternal sentiments of your excellency expressed in your message of reply, sentiments which have always united both Republics from the days of the Independence, as the then Minister of Foreign Affairs of that country, Dr. Manuel Castro R., expressed them in a telegram of reply to this Department of February 6, 1911, hopes that they will continue bound by an indestructible union between our peoples and Governments, and that both nourished and inspired with such sentiments of true Central-Americanism they shall prevail above every other consideration for the maintenance of mutual respect and reciprocal confidence, the base and support of a strong, close and well understood friendship, as that which happily unites our Sister States.

Omitting referring for want of space to the other points, which I consider of secondary character, in your courteous telegraphic communication, I have the honor of renewing to your excellency the assurances of my very high esteem and most distinguished consideration with which I am pleased to sign myself.

J. A. URTECHO

File No. 317.312/320

The Nicaraguan Chargé d’Affaires to the Secretary of State

[Translation]

NICARAGUAN LEGATION,

Washington, April 14, 1917.

MOST EXCELLENT SIR: I have the honor to inform your excellency that I have received from my Government a special instruction to lay before you the following statement:

On December 20, 1907, there was signed in this city by the representatives of the five Isthmian Republics a series of Conventions aiming to draw closer the relations between the Central American countries, the said series beginning with the General Treaty of Peace and Friendship, which establishes conditions favorable for unalterable peace and promoting the relations of those nationalities; it further recapitulates the matters that were the subject of special and independent conventions and fixes its term and the manner of terminating it, namely, through notice of one of the parties to the others one year before the expiration of the term of ten years, counted from the date of the exchange of ratifications.

One of these conventions is that which created the Central American Court of Justice, it having been concluded separately from the General Treaty of Peace and Friendship, and in the making of which all the requisites were observed that give it the character of a distinct convention, however much all of them may appear to spring from
the original, lofty and noble idea which, in the first treaty of the series, embodied the various prerequisites for that mutual respect and reciprocal cordiality which ought to prevail among all those nationalities.

Article 27 of that Convention stipulated as its unquestionable object that "the high contracting parties will always consider in force during the term of ten years, counted from date of last ratification," which term for the purposes of the denunciation expired on the 11th day of the month of March of this year, and which my Government had to observe in good time to give to the signatory Governments notice of its intention, which, furthermore, was unnecessary seeing that the clause just mentioned sets forth in an inevitable and conclusive manner the term of its life without other formality than that described, for instance, in the General Treaty of Peace and Friendship, which I have mentioned above and has been adopted by the Department of Foreign Relations in Nicaragua, both to settle elementary duties of courtesy and to avoid any objection that might be made on the erroneous assumption that the two treaties are inseparable.

There is so little doubt as to the distinct and complete nature of every one of these Conventions of various duration that the last one of the series, to save any of the argument concerning further Central American Conventions whose term was set at five years with a possible extension of six months when "one of the parties had notified the others of its decision to withdraw from it", was denounced by the former Minister of Foreign Relations of Nicaragua, don Diego Manuel Chamorro, on December 16, 1913, without arousing any protest whatsoever based on the suggestion or recommendation which is made of it, as of the others, by the above referred to General Treaty of Peace and Friendship.

My Government wishes to impress your excellency with the assurance that Nicaragua is not in any way opposed to arbitration as the method par excellence recommended by civilization for the peaceful settlement of disputes among States, as is proved by its having contributed in preference to the maintenance of the Central American Court of Justice notwithstanding its harrowing economic condition, and the other fact no less eloquent that it lately sent the President of the Judiciary and of the Supreme Court of Justice to the said Court as Nicaragua's counsel, who, although he carried instructions to deny the jurisdiction of that Court over the matter in dispute, proved by his mere presence beyond doubt, a patent and marked evidence of respect and consideration as also of brotherhood for that institution and the honorable justices, designated by the sister Republics, according to the justice loving words of the President of the Court, Doctor don Angel Bocanegra, in the special reception granted to our representative.

Nicaragua regards it as a matter of regret to put on record here the deplorable truth, that the Central American Court of Justice, far from responding to the lofty purposes of its creation, degenerated plainly after a long period of inactivity into a center of lively intrigues of the Central American Governments incited against Nicaragua in connection with the signing of the Chamorro-Weitzel Treaty which was not carried into effect, and more particularly the Bryan-Chamorro Convention of 1914.
Through this Convention entered into in the exercise of the sovereign and inalienable powers that belong to Nicaragua and of which it will never tolerate the slightest impairment, an action was brought against my Government first by that of Costa Rica on March 24, 1916, later by that of Salvador on the 28th of August of the same year, after a well known crusade for the preparation of the minds for concerted action by the capitals of the Isthmian Republics, the consequence being that both awards of the Court invariably adverse were given in plain violation of justice and on questions forbidden to its jurisdiction before first attempting conciliation between the Governments to which express reference is made in Article I of the Convention that created the Court.

It is a preeminent matter of self respect to maintain intact the sovereign rights of the State, the more discussion of which would detract from the national dignity; on the other hand, the undisguised prejudices of the Court against most important international negotiations of Nicaragua in which not only its public and sovereign faith is pledged but that also is involved which it has believed to be since the beginning its high and natural destiny; a prejudice which, in all likelihood would give rise to new compromising situations, painful and unusual, with the other sister Republics of Central America and which does not fit in with "the purpose of effectively guaranteeing their rights and maintaining unalterable peace and harmony in their relations", as set forth in the preamble of the Convention; and finally the motive, set forth in document of modification, which clearly is none the less sincere and compelling, forced my Government to arrive at that final decision as to the present organization and functioning of the Central American Court of Justice.

I shall not give any time, deeming it unnecessary in the presence of the papers already produced in both cases, to demonstrate the palpable injustice of the two judgments rejected by Nicaragua, in as much as with respect to the plea of Costa Rica, the provisions of the Jerez-Canas of 1858 and of the Cleveland Award of 1888 are definite; and with regard to that of Salvador, as it not only violates the rules of international law in its application to the Gulf of Fonseca but leaving intact the territorial rights of Honduras in the waters of the said Gulf, declares condominium with Nicaragua in the said bay, notwithstanding the fact that Honduras lies between Salvador and Nicaragua and the boundary between the first and last of those States was fixed by the said award.

It is fit to record here that when Salvador instituted its demand of condominium, it met with a vigorous protest from Honduras, which frankly stood against the claims of Salvador and that not long ago, a few days before the recent action was instituted, there was signed a Convention, which has not yet been ratified and of which I enclose a copy, between the representatives of the above cited countries under which Salvador gave a manifest recognition of the territorial rights of Honduras in the Bay of Fonseca, thereby granting full merit and justice to the firm ideas of the protest above referred to against the claims of condominium, which Convention won the praise of his excellency, the Minister of Foreign Relations of Honduras, as seen in

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4Not printed.
the report of his Department of 1915–1916, which also contains the
text of the said arrangement, which clearly amounts to the Govern-
ment of Salvador rectifying its opinion.

It is, therefore, on the strength of the foregoing and from a sense
of national dignity for the safeguard of the interests of the country
and because the heavy contribution is manifestly inconsistent with the
nature of the Courts agency that my Government, observing the
unfortunate termination of its power, denounced altogether, right-
fully and advisedly the convention on the subject, which while it
leaves Clause I of the General Treaty of Peace and Friendship with-
out force does not affect the remainder as a whole, as they have not
been affected by the termination of Articles IV, V, XII and XIII of the
same General Treaty.

Before closing this note, I must comply with the recommendation
of his excellency, the Minister of Foreign Relations of Nicaragua to
present to your excellency his personal compliments, and I avail
myself of the opportunity of renewing [etc.]

Joaquin Cuadra Z.

Minister Jefferson to the Secretary of State

[Telegram—Extract]

American Legation,
Managua, August 22, 1917, 10 a. m.

President Chamorro informed me that he had received a special
note from the Honduran Foreign Office, at the request of Presi-
dent Bertrand, asking him to appoint a plenipotentiary to meet with
other Central American representatives in commemoration of Sep-
tember 15 for the purpose of considering the extension of the Central
American Court of Justice for another decade but the most important
part of the note has to do with Nicaragua joining in the movement
for a Central American Union.

Jefferson

Chargé Johnson to the Secretary of State

[Telegram]

American Legation,
San José, August 23, 1917, 10 a. m.

Your August 22, 5 p. m.⁴ Simultaneously with beginning yester-
day of the propaganda here in favor of Central American Union
there is published for the first time identical note from the Minister
of Foreign Affairs de facto Government dated July 17, 1917, to the
other Central American States except Nicaragua proposing conference
here September 15 to extend life of the Central American Court of
Justice and to revise generally Washington Conventions. No answers
are published. Provisions of the Convention note forecast in annual
report Minister of Foreign Affairs transmitted despatch No. 150,

⁴Not printed.
July 31. Tinoco organ La Información, in order to satisfy popular demand, welcomes movement of union as desirable and necessary for Central America, but de facto Government apparently committed to principles of Washington Conventions, both by reason of initiative already taken and by the fact that Carnegie Building, San José, for the Court rapidly nearing completion. Lara announces in the newspapers that officially no information has been received of the unionist movement by his Government.

JOHNSON

The Salvadorean Minister to the Secretary of State

[Translation]

SALVADOREAN LEGATION, Blue Ridge Summit, Pa., August 23, 1917.

MOST EXCELLENT SIR: By reason of the present Government of Nicaragua's denunciation of the convention which created the Central American Court of Justice, my Government, interested in conserving for the Central American countries the beneficent influence of that high tribunal, has made known to the other Governments of Central America its desire that a Central American Conference be held for the purpose of considering and proposing the form and conditions in which the Central American Court of Justice shall continue at the expiration of the period set in the Regulations of 1907.

And taking into consideration the fact that the Conference that gave birth to the high tribunal above referred to was held on the friendly initiative of the Governments of the United States and Mexico, and the great effect of the moral support of the two friendly nations on the practice of the principles and the performance of the purposes adopted at the said conference, my Government, as a token of its debt of gratitude, has given me special instructions to say to your excellency that it would be highly pleased if your Government would send representatives to the contemplated conference in the event of its being held.

Hoping that your excellency's Government will favorably entertain my Government's initiative and gladly lend it its friendly assistance in bringing to a happy conclusion the labors of the contemplated conference, I reiterate [etc.]

R. ZALDIVAR

Minister Ewing to the Secretary of State

[Telegram—Extract]

AMERICAN LEGATION, Tegucigalpa, August 24, 1917, 1 p. m.

Department's August 22, 5 p. m. Movement in favor of Central American Union result of note from Costa Rica addressed to other Republics July 17 extending invitation convention to convene San José September 15. Costa Rica proposes object of convention revi-

4 Not printed.
sion of Treaty of Washington 1907. Honduras replied suggesting scope of convention be extended to include consideration plan to effect reestablishment original Central American Republic. Sanchez Ocana, envoy on special mission from Guatemala, formally presented credentials yesterday. Considerable local enthusiasm.

Ewing

File No. 813.00/665

Chargé Johnson to the Secretary of State

No. 162

AMERICAN LEGATION,
San José, August 24, 1917.

Sir: Referring to your telegram dated August 22, 5 p.m., I have the honor to send enclosed herein copies and translation of the note of the Minister of Foreign Affairs of Costa Rica dated July 17, 1917, and first published here on August 22, 1917, and of the note in reply from the Minister of Foreign Affairs of Honduras dated July 31, 1917, and first published here on August 23, 1917.

The Costa Rican note embodies the suggestion that the Washington Treaties be revised and extended, particularly that creating the Court of Justice, at a conference of plenipotentiaries to be held in this city September 15th next, and that if Nicaragua is unwilling to recede from its denunciation of the treaty that she be left out but the road left open to her to join at a later day whenever she admits the jurisdiction of the court in the recent suit of Costa Rica against her over the Bryan-Chamorro Treaty. The Honduras note accepts the invitation to the conference of plenipotentiaries but proposes that the primary subject of the conference be the embodying into a treaty of the union of all the Central American States, stating its willingness to enter into an extension of the treaties, but apparently only on the condition that Nicaragua also joins, in case the project for union fails.

A further report in compliance with your telegraphic instructions referred to above will be sent at an early date.

I have [etc.]

Stewart Johnson

[Inclosure 1—Translation]

The Minister of Foreign Affairs of Costa Rica to other Central American Republics except Nicaragua

DEPARTMENT OF FOREIGN RELATIONS,
San José, July 17, 1917.

MR. MINISTER: I have the honor of informing your excellency that this Chanceller, in view of the note dated March 9 last which was sent to it by his excellency, the Minister of Foreign Affairs of Nicaragua, in which he gives notice of the denunciation, on the part of his Government, of the Convention of December 20, 1907, which created the Central American Court of Justice and which was signed in Washington by the Plenipotentiaries of Costa Rica, Honduras, Guatemala, Salvador and Nicaragua, thinks it necessary to hasten to bring about an exchange of impressions in the matter, in order wisely to decide what will be most to the interest of these Republics under the circumstances.

The Government of Costa Rica, inspired by the most cordial sentiments of fraternity, would observe with the greatest pleasure that the Government of Nicaragua, considering its denunciation as having been made within the spirit of
Clause XXVII of the Convention, saw fit to accept the extension of the life of the Court for a new decade in view of the advantages which the maintenance of that institution brings to our nations in the midst of whom it fills the high mission of solving pacifically and in a civilized manner by rules of law the controversies or differences of an international character which might arise between them.

In a word, in the judgment of this Government, the Central American Court of Justice, in which are traced the noble principles of arbitration, is an important conquest of progress in these countries and it would be sad indeed to see it disappear exactly at a time in which the spectacle of the World War imposes on the human conscience the absolute necessity of banishing the cruel recourse to force as the solution of the contentions between nations.

The right of denunciation exercised by the Government of Nicaragua before the other signatories of the convention to which I refer imposes the reorganization of the Court by the other States agreeing with the idea that it should be preserved; and to provide for the unexpected contingency that that Government persists in its present position of closing its ears to all effort directed to induce it to desist, it is the lively and sincere desire of Costa Rica, and in this sense I hasten to communicate it to your excellency, that in the new treaty the steps be pointed out that are necessary so that at any time our sister Republic can join as high contracting party when it shall see fit to do so, after having changed its attitude.

The Chancellery has made efforts in the sense of inducing the Government of Nicaragua to desist from the denunciation made, because our greatest desire is to assure the extension of the institution alluded to in all its integrity; and we do not doubt that the Government of your excellency regards the case in conformity with the views expressed and will therefore permit us to suggest the advantage of employing your good offices with the Government of Nicaragua in order to arrive as soon as possible at the objective indicated.

But if the Government of our sister Republic should not accede to the request that it desist which is made of it, the Government of Costa Rica believes that in order to preserve the international unity, that is the fruit of the Treaties of Washington, it would be well to proceed by common accord of their signatories to the total or partial revision of these pacts in a new Conference of Plenipotentiaries of Central America which might meet, let us say, the 15th of September, next.

In proposing respectfully to your excellency this project I hasten to tell you that my Government as a pledge of its aspiration for the cordial settlement of the difficulty created, highly honors itself in offering, without more ado, the hospitality of the Republic for the conference mentioned, with the feeling of certainty that once removed the difficulties in the way of a good common understanding that today exist, it will be possible for Central America, at the expiration of the term of the denounced treaty or upon the substitution of one or more of those signed at the same time, to renew a system of international life in accord with its aspirations and interests, within the fraternal spirit which our history and solidarity of interests demand.

I am confident, Mr. Minister, that the delicate negotiation which I permit myself to initiate in the present note will be pleasing to the Government of your excellency and I avail myself [etc.]

CARLOS LARA

[Inclosure 2—Translation]

The Minister of Foreign Affairs of Honduras to the Minister of Foreign Affairs of Costa Rica.

TEGUCIGALPA, July 31, 1917.

Mr. Minister: * * * (Omitted portion merely acknowledges receipt of note from Foreign Minister of Costa Rica, dated July 17, 1917, and repeats to a great extent its contents.)

In answer I have the honor to inform your excellency that my Government takes up with enthusiasm of the liveliest kind the initiative undertaken by the distinguished Government of our sister Republic and that with the greatest satisfaction it will be represented by its plenipotentiary at the conference projected for the total or partial revision of the treaties subscribed in Washington or to extend by means of a new treaty the convention which established the
Central American Court of Justice, if, as I do not doubt, the other Governments of Central America, impressed with the high and noble end sought by the Government of your excellency, accept the fraternal initiative.

The denunciation of the convention which created the Central American Court of Justice by the Government of Nicaragua is really not what will end it, because with that denunciation or without it, the convention would terminate at the completion of the term of years fixed for its existence, if before then it is not protracted by means of a new pact between the high contracting parties.

In Article XXVII of the Convention the high contracting parties declared that, for no reason, nor in any case, shall this convention be regarded as annulled; and, consequently, they shall always regard it as in force during the period of ten years counted from the last ratification.

The fixing of this term without the right of prolongation within the terms of the convention itself, as is the practice in treaties of a permanent character, suggests the idea that the Central American plenipotentiaries had in view at the time of subscribing to the Washington Pact in 1807, that these pacts were in the way of preparation for the fusion of the Central American nations into one single nationality, as was expressly declared in the preamble of the Convention on Future Central American Conferences. And without doubt they thought that to realize this great and longed for ideal of patriotism the period of ten years would be enough.

If this was the thought which inspired our plenipotentiaries in the Conferences of Washington to fix in Article XXVII of the Convention creating the Central American Court of Justice a fixed period for the treaty to endure, then today, when this period of time is about to expire, a meeting of plenipotentiaries of the five Central American States is required, for the purpose of considering whether, as my Government believes, the moment has arrived to agree by pact upon the union to which the several peoples aspire, or, if the contrary is the case, to prolong the convention which created the court, since, while the General Treaty of Peace and Friendship is in force, the Republics of Central America are obligated to solve by means of that Court, every disagreement or difficulty which may arise between them; and since the spirit which governs the Conventions of Washington taken as a whole, in agreement with the general sentiment, counsels the maintenance of the high Tribunal of Justice in its established form, as long as the union of Central America is not realized.

My Government, most excellent Sir, faithful to the great ideal of the unity of Central America which it has ever loved, avails itself of this happy occasion in which the peoples and Government of the Isthmus confirm in an unequivocal manner their sentiments of fraternitj, to propose the ideal as the theme of first importance for the Conference of Plenipotentiaries initiated by the Government of your excellency.

The difficulties of all kinds that surround at the present the weak Republics in which the fatherland of our elders is divided and the certain forecast of future dangers, which in their isolation threaten each of them in the international disequilibrium that will exist in the world whatever be the result of the present formidable war, are other considerable reasons for accomplishing, once for all, by means of union, our historic destiny.

The very Government of Nicaragua, which perhaps has reasons for not accepting the initiative of your excellency by reason of its having been the actor in the denunciation of the treaty which created the Central American Court of Justice and of having maintained its denunciation notwithstanding the efforts made by the Government of Guatemala to bring about its reconsideration, would perhaps find no objection to subscribe with the other Governments of the sister Republics the Treaty of Union, demanded to-day more than ever by Central American patriotism.

My Government, confident of the good will of your excellency’s, whose high views are reflected in the note to which I have the honor to refer, proposes to you this project and would like to have your illustrious opinion in order to present it to the other Governments of the sister Republics, who have on all occasions shown the most lively and sincere Central Americanist feeling.

The labors to realize the union of Central America would have sufficient time in which to be carried on in order to arrive at the most solid bases before the celebration, and with the idea of their being concluded before the time of the memorable date upon which is completed the centenary of our political independence, so that this date would find us already united in one single Republic—we, the five fractions of the Central American Isthmus.
Glory, unmeasurable glory, Mr. Minister, will be attained by the present governors of Central America, if, as I do not doubt, they place at the service of this great ideal their patriotic efforts.

If the proposition which is made above, which, with special instructions of the honorable, the President of the Republic, I present to the illustrious consideration of your excellency's Government, is not deemed practicable nevertheless this will not change the good will of my Government which will attend the conference which your excellency has proposed, for the ends expressed in your important note, and for every other high purpose directed to maintain the most perfect harmony and fraternity among Central American States.

I avail myself [etc.]

Mariano Vasquez

Minister Ewing to the Secretary of State

[Telagram—Extract]

American Legation,
Tegucigalpa, August 27, 1917, 8 a.m.

Costa Rica's and Salvador's telegraphic acceptance Honduras proposed plan to broaden scope of convention to include the consideration of formation of a Central American Union accepted here with marked enthusiasm. Special envoy from Guatemala is here.

Strong probability of alliance between Salvador and Honduras resulting in free trade between these two countries, greatly desired by Salvador.

Ewing

Minister Long to the Secretary of State

[Telagram—Extract]

American Legation,
San Salvador, August 27, 1917, 5 p.m.

Department's August 22, 5 p.m. When Nicaragua denounced, with intention of terminating Washington Convention which provides for Central American Court of Justice, Salvador opposed her position and advised first with Honduras and Costa Rica regarding Central American conference to discuss renewal of Washington Convention especially one relating to Court and exhorting Nicaragua to reconsider. Costa Rica then assumed the initiative by inviting Honduras and the other Central American States in notes dated July 17, to Central American Conference at San José to be held September 15. Honduras added to her note of acceptance suggestion that reunion of Central America be discussed at conference as the main question. Minister of Foreign Affairs told me yesterday that Salvador favored the conference to discuss Washington Convention and favored principle of a united Central America but had instructed her representatives at Mexico City and Washington to sound Mexican and American Governments to ascertain if they would attend the proposed conference at San José and pending reply advised Costa Rica of action taken stating Salvador was disposed to accept but would first have to hear what position United States would take as she had not recognized present Costa Rica Government.
The Salvadorean Minister to the Secretary of State

[Translation]

Salvadorean Legation,
Washington, August 31, 1917.

Most excellent Sir: Under date of the 23d of this month I had the honor to send to your excellency a note conveying to you my Government's wish that the Government of the United States be represented in the Central American Conference which will undertake to propose and study the form and conditions of a continuance of the Central American Court of Justice. I have lately received notice by cable that the said conference will be held on October 12 next and my Government taking into consideration the great moral importance of your Government being represented at that important event wishes to know whether your excellency's Government accepts the invitation above referred to; wherefore, I venture to trouble your excellency with a request that you deign to favor me with a kindly answer.

I reiterate to your excellency [etc.]

R. Zaldivar

The Secretary of State to the Salvadorean Minister

No. 22

Department of State,
Washington, September 5, 1917.

Sir: I have the honor to acknowledge the receipt of your note of August 23, 1917, in which you inform me that your Government, moved by what you refer to as the action of the Government of Nicaragua in denouncing the convention which creates a Central American Court of Justice, has made known to the other Governments of Central America its desire that a Central American Conference be held for the purpose of considering and proposing the form and conditions under which the Central American Court of Justice shall continue at the expiration of the period stated in the Convention of 1907. You further inform me that your Government has given you special instructions to say to me that it would be pleased if the Government of the United States would send representatives to the contemplated conference in the event of its being held.

In reply I have the honor to express my sincere appreciation that the Government of Salvador has seen fit to make this suggestion. It appears, however, from your note that the conference, if held, will be participated in by those persons who are now purporting to exercise governmental authority in Costa Rica. These persons who recently overthrew by force the Constitutional Government of Costa Rica are not recognized by this Government. You will therefore, I am sure, appreciate the motives actuating this Government when I express its very real regret that it cannot, in view of the circumstances above alluded to, act favorably on the suggestion which your Government has done this Government the honor to make.

Accept [etc.]

Robert Lansing
The Secretary of State to Ambassador Fletcher

[Telegram]

DEPARTMENT OF STATE,
Washington, September 6, 1917, 3 p.m.

431. This Government has been asked by Salvador to send representatives to a conference of Central American States to consider renewing Treaty of Washington of 1907.

Discreetly ascertain and telegraph whether Mexican Government has been asked to be represented at conference, and, if so, what Mexico's attitude will be.

LANSING

The Secretary of State to the Salvadoran Minister

No. 23

DEPARTMENT OF STATE,
Washington, September 8, 1917.

SIR: I have the honor to acknowledge the receipt of your note of August 31, 1917, in further relation to the desire of your Government that this Government may be represented in the Central American Conference concerning the continuance of the Central American Court of Justice.

In reply I have the honor to refer you to the Department's note of the 5th instant, in reply to your note of August 23.

Accept [etc.]

ROBERT LANSING

Ambassador Fletcher to the Secretary of State

[Telegram]

AMERICAN EMBASSY,
Mexico, September 14, 1917, 11 a. m.

433. Your number 431, September 6, 3 p.m. Mexican Government has been asked to be represented at conference, and at a Cabinet meeting day before yesterday it was decided to accept the invitation.

FLETCHER

Minister Leavell to the Secretary of State

[Telegrams]

AMERICAN LEGATION,
Guatemala, September 22, 1917, 1 p. m.

President Cabrera informed me yesterday afternoon that the proposed congress to arrange for the union of the Central American States under one Government will not be called together at pres-
ent as it is evident that nothing can be accomplished in view of the action of Tinoco in withdrawing Costa Rica from the Pan-American Union and some other happenings.

LEAVELL

FILE NO. 813.00/896

AMERICAN LEGATION,
Guatemala, December 11, 1917, 4 p. m.

In an interview this afternoon President Cabrera said that Costa Rica and Nicaragua cannot participate in the preliminary conference to be held here to arrange program of proposed congress on union of Central American States and the conference will not take place therefore. Evidently he is convinced that the congress will itself not assemble until some more convenient season.

LEAVELL