19.1

ISSN: 1409-469X

Diálogos

Revista
Electrónica de Historia

Escuela de Historia. Universidad de Costa Rica

Enero - junio 2018

url: http://revistas.ucr.ac.cr/index.php/dialogos/index

UNIVERSIDAD DE COSTA RICA

EDITORIAL UCR

THE CENTRAL AMERICAN COURT OF JUSTICE (1907-1918): RETHINKING THE WORD'S FIRST COURT

Charles Ripley

Abstract

The Central American Court of Justice (CACJ) (1907-1918) was created with the goal of minimizing conflict between the five republics: El Salvador, Costa Rica, Guatemala, Nicaragua, and Honduras. The CACJ, however, has attracted scant scholarly attention. Nonetheless, the Court is academically significant and historically relevant. The CACJ was not only the world's first supranational body to which states would suspend their sovereignty and submit all complaints, but also evidence that international organizations could facilitate state cooperation and create peace. Addressing the gap in the literature through extensive archival research, this study finds the following. First, the Court played an instrumental role in mediating regional peace and averting war between the republics. Second, it addressed controversial issues concerning state relations such as non-intervention, the law of the sea, and international treaty obligations. Third, due to the Court's profound legal work, it still continues to have the potential to contribute to international law and institutions. Finally, although Washington played a significant role in the Court's rise and demise, the Court demonstrates the ability of Latin American countries to address their own regional issues. As a result, the CACJ is a valuable underexplored subject that merits historical consideration.

Key words: American Court of Justice, regional organizations, conflict, peace.

Fecha de recepción: 15 de febrero de 2017 • Fecha de aceptación: 29 de setiembre de 2017

Charles Ripley • is a lecturer in the School of Politics and Global Studies. He received his Ph.D. from Arizona State University in 2013. His major fields of study in political science are international relations and comparative politics with an emphasis on globalization, international political economy, security studies, and Latin American politics. Contact: cgripley@asu.edu

LA CORTE DE JUSTICIA CENTRO AMERICANA (1907-1918): RECONSIDERANDO LA PRIMERA CORTE MUNDIAL

Resumen

La Corte de Justicia Centroamericana (CJC; 1907-1918) se constituyó con la finalidad de minimizar y solventar los conflictos existentes entre las cinco repúblicas de Costa Rica, El Salvador, Guatemala, Honduras y Nicaragua. A pesar de su importancia histórica, la Corte ha suscitado escasa atención académica. No obstante, dicho tribunal fue el primer organismo supranacional en el que los integrantes renunciaron a su soberanía nacional, con la intención de aceptar y solventar cualquier demanda presentada ante la Corte por cualquiera de sus países miembros. Además, su creación evidenció que las organizaciones internacionales facilitaran la cooperación entre naciones, y contribuyeron a promover la paz. Abordando el vacío existente sobre la materia, este estudio ha encontrado los hallazgos mencionados a continuación. Primero, la Corte desempeñó un papel fundamental como mediador regional, evitando enfrentamientos armados entre sus miembros. Segundo, instruyó causas relacionadas con principios legales tan controvertidos como la no-intervención, la Ley del Mar y las obligaciones contraídas en los tratados internacionales. Tercero, la trascendencia de la jurisprudencia elaborada por el tribunal, aún conserva toda su vigencia y el potencial para enriquecer el derecho internacional y sus instituciones. Finalmente, a pesar del significante papel jugado por el gobierno de los Estados Unidos, la Corte demostró la habilidad de las naciones de América Latina para resolver sus disputas regionales. Como resultado de lo expuesto con anterioridad, La Corte de Justicia Centroamericana es una valiosa e inexplorada figura merecedora de una mayor consideración histórica.

Palabras clave: La Corte de Justicia Centroamericana, organizaciones regionales, conflicto, paz.

INTRODUCTION

In 1907, the United States, Mexico, and Central America actively sought the creation of a regional adjudicating international organization. A year later the Central American Court of Justice (CACJ) was constructed in Cartago, Costa Rica. With $100,000 dollars donated by steel magnate Andrew Carnegie, builders spared no expense to erect a magnificent court building. In fact, when an earthquake wrecked the area of Cartago a year after the Court was established, Carnegie returned to donate a small portion of his fortune to reconstruct the building again, this time in San José, the capital of Costa Rica. The Court's building, similar to its predecessor, was magnificent. As one observer commented in 1918, the court was a "beautiful building intended for its palace" (*New York Times*, 1918, p. 6). But the CACJ constituted more than just an impressive piece of architect. With the goal of minimizing violence between the Central American countries, the five republics—El Salvador, Costa Rica, Guatemala, Nicaragua, and Honduras—created the world's very first international court of justice to which member states would suspend their sovereignty and submit all complaints for judicial review. Signing the General Treaty of Peace and Amity and the Supplement Treaty (1907), they cemented one of the first steps towards a world in which states relied on a supranational organization as a tool of diplomacy instead of war. In 1908, *The American Journal of International Law* praised the court's inauguration: "Thus, for the first time in the world's history, we see a court sitting in judgment of nations, parties litigant before it" (p. 836).

The CACJ, however, has received little academic attention. International relations (IR) scholarship, which focuses on international and regional institutions, has completely neglected the Court. This dismissal, however, is not surprising. IR research rarely values developing countries. Robert O. Keohane, one of the most prestigious scholars on international organizations, reflects this common neglect. "[…] Latin American countries are takers, instead of makers, of international policy," he claims, "[t]hey have relatively little influence in international institutions" (2001, p. 211). Even more surprisingly, Latin American history has paid little attention to the Court. Although scholars have mentioned the existence of the CACJ, they fail to offer any valuable analysis into its performance.[1] On the other hand, the historical literature that attempts to analyze the Court only highlights its weaknesses. Years after the Court's demise, for instance, Manley O. Hudson (1932), the prestigious international law professor at Harvard, opined: "the Central American Court of Justice was doomed to failure from the outset" (p. 785).

Pessimism about the court, or even the lack of research on it, has some justification. Historically, the efforts at integration have led to dismal results. The Federal Republic of Central America (1821-1841), established by the five present-day countries, completely disintegrated. The countless attempts that followed to cobble together agreements, initiate conferences, and finally reconstitute ultimately failed. Even the martial effort of pro-unionist Justo Rufino Barrios, the Guatemalan

president who actually died for his cause in battle against El Salvador, failed dismally to unite the republics. Why would a supra-national court be more effective than previous efforts? The CACJ, however, was different. Preceding the League of Nations (LON), Wilson's Fourteen Points, and the United Nations (UN), the Court merits a more significant and positive place in academic research. Its creation not only demonstrates the progressive intellection of the signatory members, but also a general belief that international governmental organizations (IGOs) could play a central role in peace and diplomacy. Before the Court shut its door on May 25th 1918, it was able to successfully adjudicate major regional disputes, address six individual civil rights cases involving Central American citizens, and commission a number of peace-seeking missions throughout the region. There has been very little interest, however, into studying and learning from the processes and decisions of the Court. Nonetheless, revisiting the Court can provide insight into the role regional organizations can play at addressing local conflict.[2] Drawing upon extensive archival research, this article attempts to fill the gap in the literature. Focusing on the Court's inception in 1907 to its demise in 1918, this study suggests that by providing an important outlet for diplomatic exchanges and grievances, the CACJ served as a significant organization to promote regional peace. In its short existence, the Court addressed common international issues that continue to cause conflict between nation-states today. In fact, the arguments brought before the Court, along with the concomitant rulings, still have the potential to contribute to international law and institutions. This research concludes by noting the Court's current and historic importance not only for Latin America, but regional organizations more generally.

BACKGROUND OF THE COURT

Although Central America gained its independence from Spain with little violence, conflict and war followed the years after independence. Even under the legally-united Federation, the different regions became embroiled in heated conflict over ideological clashes, regional borders, and power struggles. Although the conflicts were quite persistent and bloody, no one ruler or political faction was able to take power and create stability. One of the deadliest and longest conflicts engulfing the isthmus took place in Guatemala in the 1830s between Guatemalan strongmen José Francisco Barrundia and Rafael Carrera. The conflict continued until Barrundia, in a last-ditch effort to finally defeat Carrera, invoked the support of Francisco Morazán, the president of the ailing federation. In 1838, Morazán, with the assistance of roughly 1,000 troops, rode into Guatemala and squelched the Carrera-led guerilla rebellion (Lynch, 1992). Morazán, taking control of the region, however, failed to impose peace and order. He ruled with repression and brutality until Carrera, who also employed "terrorism and a demonstration of savagery," gained control of Guatemala City; this disorder gave the other republics the opportunity to declare their independence, marking the end of the

federation (p. 380). After breaking into separate nations, regional conflicts not only persisted, but grew into full-scale wars. A succession of Central American wars in 1863, 1876, 1885, 1906, and 1907 engulfed the region.

As a result of constant conflict, Central Americans looked toward regional organizations to create peace and stability. This was a common phenomenon by the turn of the twentieth century. World policy makers had already turned to international institutionalism to address world conflict. The overarching objectives of institutionalism were to replace bellicosity with diplomacy, armaments with supra-national organizations, and war with judicial settlement.[3] The Pan-American Conference (1889-90) and The Hague Conventions (1899) embodied this spirit of peace. Although these conferences were blemished with self-interest on the part of the different countries involved, participants believed they could forge a stable world by establishing and codifying international treaties and law to govern state behavior. As Manuel Castro Ramírez, a Salvadoran magistrate who spent five years on the Court, observed, "The world was feeling the urgent need to stop the whirlwinds of war that have threatened the foundations of civilization" (1918, p. 22). In his memoirs, Ramírez defined the CACJ as a superior expansion of the Hague Conventions, one in which all the Central American republics would rely on to resolve their grievances. Other noted Central American legal scholars such as Alfredo Martínez Moreno (1957) and Luis Pasos Arguello (1986) echoed similar sentiments by connecting the CACJ with the world peace movement. They observed that the zeitgeist of peace and institutionalism injected the region with feelings of optimism towards ending conflict through international law and organizations.

By the late nineteenth century, Central American governments had already acted on this moment to create peace and stability, building a number of regional supra-national organizations prior to the CACJ's creation. In 1889, the Central American republics came together in San Salvador for the Third Central American Congress. This effort to hammer out regional peace agreements culminated in the Provisional Union Pact of Central American States. With twenty seven written articles, the Union's goal was to create the National Executive and other adjudicating bodies to curb the escalating conflicts between the republics (*Dieta Centro-Americana* 1889). The republics also tried to use regional agreements and conventions to resolve disputes, specifically without U.S. intervention. The Matus-Pacheco Convention (1896), named after the Nicaraguan and Costa Rican representatives Manuel Coronel Matus and Leónidas Pacheco respectively, succeeded in defining the gelatinous borders between Nicaragua and Costa Rica. With the 1823 Costa Rican annexation of Guanacaste and Nicoya, two tracks of land that had previously been parts of Nicaraguan territory, border disputes erupted. Mediated by El Salvador, the Convention finally succeeded in defining the contentious borders. This convention was instrumental for Central American conflict resolution because it compensated for the failure of a previous attempts initiated by foreign powers (see Bolívar Juárez, 2011). Nicaraguan liberal dictator José Santos Zelaya (1893-1909) also sought a

number of regional agreements to strengthen Central American union. Building upon the tenuous Central American solidarity that persisted despite years of internecine conflicts, Zelaya was able to establish, at least on paper, the Central American Tribunal through a series of conferences that took place in the Nicaraguan port of Corinto in 1902. Although the Corinto treaties failed to establish anything concrete, it did show that the republics still had not only a strong sense of Central American identity, but also a desire to advance regional integration to settle their own disputes.

THE COURT BEGINS

In a telegram dated May 7, 1907, Secretary of State Elihu Root extolled the creation of the Central American Court of Justice. "[T]he United States will be represented on this important and auspicious occasion," he wrote to Louis Anderson, Costa Rica's Minister for Foreign Affairs, referring to the Court's inauguration, "which marks so great a step toward permanent peace, progress, and prosperity" (U.S. Department of State 1908). The Central American signatory republics expressed their praise as well by promptly sending congratulatory and appreciative telegrams to Secretary of State Root, President Theodore Roosevelt, and the President of Mexico. "The names of Roosevelt and [Porfírio] Diaz will always be remembered," the Foreign Affairs Minister for Cost Rica, Don Luis Andersen, said addressing the Washington Conference, "with gratitude by the humble citizens of those countries" (Scott 1908, 121-143).[4] Although Root's diplomatic adulation may appear unrealistically optimistic, the creation of the CACJ gave the participatory nations something to cheer about. Only a year earlier, the republics were embroiled in the Second (1906) and the Third (1907) Central American Wars.[5] Although the Central American conflicts had a number of causes such as disputes over borders and unionism, the last two wars were essentially regional power struggles between Zelaya and Cabrera. Since Nicaragua and Guatemala do not share borders, the conflicts engulfed El Salvador and Honduras, creating further regional bloodshed. What is more, at the time of the Court's creation, Honduras had just attacked Nicaragua. In the beginning of 1907, the Honduran military attacked the Nicaraguan border town Los Calpules, killed two Nicaraguan soldiers, and occupied the area for three days until the Nicaraguan army drove them out (Barbosa Miranda, 2010).

Taking into account the historical fighting, convening all the republics in Washington for the Central American Peace Conference (1907) was a major accomplishment. The signing of the treaties in Washington (1907) and the physical creation of the Court (1908) were further steps in the direction towards diplomacy and peace. Although the makeup of the Court was quite conventional—five judges (one from each republic), a president and vice president, and a treasury secretary—Washington's efforts elicited good will from the republics. Even Zelaya (1907), a vociferous opponent of U.S. imperialism, lauded the diplomatic efforts of President Roosevelt,

Secretary of State Root, and Andrew Carnegie for engaging the region and overseeing the creation of the CACJ. In fact, the United States, due to its productive role in help convening the Central American republics, became the guarantor of the Court.

Unlike other international agreements preceding the CACJ, the treaties binding the Central American republics together were more progressive for several reasons. First, the CACJ was the first international court of justice. This step is significant because since the Peace of Westphalia (1648), the beginning of the modern state system, countries have jealously guarded their sovereignty and been reluctant to allow an international body to judge their actions. The Permanent Court of Arbitration, which borne out of the 1899 Hague Peace Conference, failed to become a world court or even arbitral supranational body due to the bickering of the member states (Kirgis, 1996). The Central American Court, however, achieved the status of being the world's first court to which member states would submit all complaints. "Inside the international arena there is nothing that resembles this Court," wrote Brazilian internationalist and legal scholar Joaquín Tabuco to the Nicaraguan representative in 1908, "it is not only completely original, but also a type of institution that will endure" (in Arguello 1986, p. 16).

In addition to being the first international court, the unprecedented scope of the Court's jurisdiction represented a strong sense of solidarity between the signatory republics. Not only did the adjudicating body exercise juridical rights over the five signatory republics, but also authority over external conflicts between a Central American country and another country outside the region. Article IV of the CACJ stipulated: "The Court can likewise take cognizance of the international questions which by special agreement any one of the Central American Governments and a foreign Government may have determined to submit" (*American Journal of International Law* 1908a, pp. 232-233). This article is significant because it expanded the extent of the Court's jurisdiction, which meant any and all conflicts among the republics would be under the CACJ's purview, and recognized the need to modify foreign intervention in the isthmus.

Moreover, individual citizens had the right to submit complaints to the Court. If a Central American citizen believed her or his rights related to those laid out in the treaties were in violation, she or he could turn to the CACJ. "This court shall also take cognizance of the questions which individuals of one Central American country may raise against any of the other contracting governments […]" Article II concerned Central American citizens, "and provided that the remedies which the laws of the respective country provide against such violation shall have been exhausted or that denial of justice shall have been shown" (American Journal of International Law 1908a, pp. 232-233). In fact, the six cases brought to the CACJ by individuals did not rule in favor of the individuals. The CACJ stated that Central American citizens needed to exhaust their judicial rights in the local courts before the CACJ could rule in their favor. In the first case, Pedro Andrés Fornos Díaz, a Nicaragua immigrant in Guatemala, tried to take the Guatemalan government to

the CACJ for improper treatment. The Court, however, rejected the case because Díaz had failed to exhaust his judicial options within Guatemala (Castro, 1918). This ruling set a strong precedent for the subsequent five complaints, which all went in similar directions. However, the fact that the court mentions "denial of justice" for individuals in an international treaty is extremely progressive. Treaties merely focused more on "high politics"—questions of immediate state security—when countries entered into agreements. The Hague even failed to seriously take up the issue of human rights until the 1980s, almost one hundred years later. Article III of the CACJ, however, continues to support individual rights: "It shall also have jurisdiction over cases arising between any of the contracting governments and individuals, when by common accord they are submitted to it" (*American Journal of International Law*, 1908a, pp. 232-233).

Finally, the Court could be a source of international law. Lacking an international legislative body, international law is principally created by five sources: the customs and practices established by state behavior; international treaties and conventions; principles of international law generally recognized by nation-states; international judicial rulings; and, for additional support, the teaching and publications of judicial scholars. The Central American republics created the CACJ to solve specific regional issues and establish acceptable norms of behavior. In fact, the Central American magistrates had the autonomy to develop the articles and laws with little interference from Mexico and the United States (Schoonover, 1991). Many of the issues addressed, however, were common among states far beyond not only the Central American region, but also the limited time-frame in which the Court operated. These problems included respecting established borders, the principal of non-intervention, treaty engagement, the law of the sea, and the security dilemma.[6] The Salvadoran magistrate Manuel Castro Ramírez believed that developing international law was one of the overarching goals of the Courts. According to Ramírez (1918), who helped draft laws and decide cases, the CACJ was "creating a public international law" to facilitate peace among states (p. 13). Therefore, the behavior of the Central American republics and decisions of the Court have the potential to shape international law and set precedents for future cases and practices.

THE FIRST CASE AND THE COURT'S ACCOMPLISHMENT

The first case brought to the CACJ entailed a reoccurring problem among not only the Central American republics, but states in general: the interference of one state into the domestic politics of another. Less than two months after the Court officially opened on May 25th, 1908, Honduran President Miguel R. Dávila accused the governments of Guatemala and El Salvador of intervening in the country's domestic affairs. The government complained that El Salvador had given disposed Honduran president General Manuel Bonilla Chirinos (1903-1907) exile and had been training

both Salvadoran and Honduran guerillas to help him invade the country (Madriz 1908). Honduras specifically cited Salvadoran General Fernando Figueroa and Honduran General Pedro Romero of not only training the forces alongside the border with El Salvador, but also invading Honduran territory in Choluteca. The government continued to accuse Guatemala of also training exiled Honduran forces on its territory in Santa Barbara to assist the invaders from El Salvador (Carranza Ernesto, 1908). The overall motive behind the defendants' behavior, Honduras noted, was their enmity for the new Honduran government. Based on the case submitted to the CACJ on the part of Honduras, both El Salvador and Guatemala viewed President Dávila as too friendly towards Nicaragua, their enemy at the time. The goal then was to overthrow the Honduran government in order to install Bonilla (Madriz, 1908). As a result of this clandestine activity, Honduras rested its case on the idea that the republics' actions were not consistent with the articles of the CACJ conventions, which stipulated non-intervention and neutrality.

Nicaragua sided with Honduras in the diplomatic debate. Having strong relations with the Honduran government at the time, Nicaragua was fearful of the interventionist behavior of Guatemala and El Salvador. Two months after Honduras, the Nicaraguan government submitted a similar complaint. Drawing upon the same argument of Honduras, Nicaragua advanced its own evidence demonstrating that both El Salvador and Guatemala were in clear violation of the conventions for harboring exiles. Nicaragua specifically cited the presence of General Bonilla and Honduran revolutionary Augusto C. Coello in El Salvador where they was gathering force with the intent to overthrow the Honduran government (Madriz, 1908). Nicaragua concluded that both El Salvador and Guatemala must cease their support for illegal revolutionary activities.

El Salvador and Guatemala, however, denied the accusations. Both countries, first, simply noted that there was a clear the lack of evidence in the Honduran government's official complaint. "Never has my Government known such intentions," the Guatemala government stated over the accusations (*Defensa*, 1908, p. 30). Guatemala further argued that the Court lacked the jurisdiction to review the case, noting that Guatemala's behavior within its own territory was a matter of state sovereignty (Ibid). The Court did not have the right, therefore, to regulate the country's domestic policies. The government concluded its defense by averring that it simply did not have enough Honduran exiles to invade the country in the first place. "The Hondurean exiles living in this Republic are very few," the Guatemalan diplomatic cable read, "and they live, not under the protection of the Government, but on their own resources or personal work" (Ibid, p. 35). El Salvador echoed the same argument. The government refused to recognize that it was assisting Honduran and Salvadoran rebels. In fact, the Salvadoran government pointed out, if it had wanted to invade Honduras and overthrow Bonillo, it could have done it already and succeeded. On the contrary, El Salvador concluded, it was firmly keeping the faith of neutrality (*Demanda*, 1908).

The Court's initial complaint was a crucial test. Geographically strategic, Honduras had been the only Central American country sharing land borders with the other warring republics. Guatemala and Nicaragua historically meddled in the country's affairs in order to impose a government sympathetic to their side of the conflict. In fact, Article III of the CACJ Convention recognized that, due to the country's strategic geographical position, Honduras had experienced the most conflict. This issue was at the very essence of the first case. After General Bonilla had lost power in Honduras in 1907, both El Salvador and Guatemala perceived a threat in the new government, one of which they connected to the interests of Nicaragua in the regional power struggle (*Demanda*, 1908).

War, as in the previous decades, appeared inevitable. Could the Court create conditions for peaceful settlement? The CACJ proved competent to settle this sensitive dispute between the three republics. First, the CACJ provided official diplomatic channels through which each state could advance arguments and an official interstate body that would collect, organize, and review them. In fact, the first case's primary documents show that the Court had facilitated the communication between the countries involved. There were hundreds of telegrams between the republics trying to settle the dispute (see *Honduras v. Salvador and Guatemala*, 1908). Prior to the Court, the region lacked diplomatic channels to review complaints. The republics relied only on intermittent conferences sponsored by the United States, Mexico, or each other. The CACJ, however, promoted the communication and diplomatic negotiations that allowed for the mediation of the conflict. Although the Court observed that Honduras did not advance substantial evidence, the CACJ judges conceded that the defendants had to alter their behavior towards Honduras.

Many scholars, however, have underestimated The Court's role. Thomas L. Karnes (1976), one of the last U.S. scholars to discuss the Court, wrote, "[The Court] ruled that El Salvador and Guatemala were not responsible for aiding Honduran revolutionaries; governments could not be held liable for acts of faction" (p. 195). Albeit Karnes recognized that the Court, "acted promptly and decisively," he notes that the Court was essentially a failure (p. 195). His depiction of events, however, not only fails to take into account the mandate the Court leveled against El Salvador and Guatemala, but also their positive response to ameliorate the crisis. The Court ordered following: 1) To halt any interference in the internal affairs of Honduras; 2) disarm any revolutionaries aiming to enter Honduran territory with the intent to destabilize the government; 3) prevent any preparation of movements within their territories that intend to destabilize Honduras; 4) discharge any service officers that are Central American emigrants and maintain vigilance over them; 5) and decrease their number of armed forces, especially those aligned at the frontier with Honduras; 6) remain neutral, as required in Article II of the Washington Convention (*American Journal of International Law*, 1908b, p. 840).

The initial case proved to be a success. First, it averted war between the republics. Previously, war immediately engulfed Central America when power

struggles emerged. El Salvador and Guatemala, however, changed their behavior toward Honduras. Both reluctantly agreed to withdraw troops from the border and not contact Honduran exiles, conforming to the demands outlined above (*Defensa,* 1908). As Salvadoran magistrate and legal scholar Alfredo Martínez Moreno (1957) pointed out, the first ruling set up and enforced "a number of norms for the Salvadoran and Guatemalan governments" (p. 21). These included stationing troops away from Honduran borders and withdrawing supports for exiled Honduran forces. The revolutionary movements in Honduras, as a result, subsided. President Dávila weathered the revolutionary storm. Second, the case gave Central America, the Court, and the idea of internationalism a moment of credibility. Media outlets and scholars following the Court's first case lauded its ability to act and mediate conflict (see, for example, *New York Times*, 1918). The Court demonstrated that diplomatic channels, communication, and international regimes could reduce tension and possibly war among states. This was a significant accomplishment not only because the region was engulfed in conflict, but because it showed the Central American republics could negotiate settlements without the interference of foreign powers. Only two years earlier, the Central American republics stepped aboard the *USS Marblehead* to have the United States mediate a conflict (Salisbury, 1989). However, Central Americans managed the first case by themselves. The CACJ, therefore, was a success for negotiating peace and keeping Washington out of regional affairs as well.

U.S. INTERVENTION: THE BAD NEIGHBOR POLICY

Unfortunately, the Court did not control U.S. intervention for long. When Zelaya considered inter-oceanic canal deals with Japan and Germany, President William Howard Taft (1909-1913) became incensed. In fact, the president attacked Zelaya in his first annual message to congress. Washington wanted to be the sole power in the region. In 1909, the Taft Administration supported a group of local conservatives to overthrow Zelaya and sent the marines to protect the rebels. The "Knox note," named after Secretary of State Philander C., gave the direct order for Zelaya and his officials to step down (see Knox, 1910). Washington did not stop with Nicaragua. In 1911, the United States also intervened in Honduran politics and removed President Dávila, whom the Court saved just years before, and installed former President Manuel Bonilla. Intervention caused Washington to lose any regional good will it originally earned overseeing the creation of the CACJ. First, several Latin American newspapers negatively covered the story, depicting Zelaya's removal as another "yanqui" intervention (see *El País*, 1909). Furthermore, the Nicaraguan population loathed the government the United States installed. President Taft even had to dispatch 26,000 American troops in 1912 in order to protect President Adolfo Díaz from revolt. When Elliot Northcott, a U.S.

minister, toured Nicaragua, the antipathy he felt from the Nicaraguans shocked him: "[T]he natural sentiment of an overwhelming majority of Nicaraguans is antagonistic to the United States" (LaFeber, 1993, p. 219).

Washington initiated a series of meetings with Nicaraguan officials in order to ensure that future governments would not flirt with the idea of constructing inter-oceanic canals. These meetings resulted in the Bryan-Chamorro Treaty. Signed between President Woodrow Wilson's Secretary of State William Jennings Bryan and General Don Emiliano Chamorro on August 5, 1914, the treaty granted the United States the exclusionary rights to construct a canal and the right to build navy bases in the Gulf of Fonseca with a lease of 99 years (*Republic of El Salvador*, 1917). The Bryan-Chamorro Treaty became a source of contention for the other republics, as well as Mexico, which perceived the agreement as continued expansionism into the Americas (Serrano, 1994). With Mexico unable to advance a formal complaint to the Court, the two principle plaintiffs against the treaty were Cost Rica and El Salvador. For them, the Treaty was a "danger for Central America" (Rodríquez, 1917, p. viii). Although Honduras abstained from lodging a formal complaint, the country also feared a U.S. military presence, emphasizing that the Treaty "constitutes a threat to our security" (in Ibid, 13). As a result, both Costa Rica and El Salvador brought individual cases to the CACJ. Nicaragua was the sole defendant in both cases.

EL SALVADOR AND COSTA RICA *V.* NICARAGUA

On August 28th, 1916, El Salvador advanced a complaint against Nicaragua before the CACJ. The government's paramount concern focused on the ninety-nine-year lease of a U.S. naval base in the Gulf of Fonseca. El Salvador's complaint was twofold. First, allowing the presence of a U.S. naval base constituted an imminent threat to the state of El Salvador. The Salvadoran government's complainant Alonso Reyes Guerra (1917) stressed that the stipulations in the Bryan-Chamorro Treaty "put the security and autonomy of the Republic of El Salvador in danger" (p. 6). The government even went so far as to classify the naval base a "menace" (*New York Times*, 1917) and highlighted the "popular protests" the treaty caused throughout the country (Castro, 1918, p. 111). Second, the Gulf of Fonseca, the water area in which the agreement would establish the base, had co-ownership between the two countries, as well as with Honduras. Therefore, the government of El Salvador argued that, attributable to this co-ownership, Nicaragua had no right to enter into an accord with a third party without its consent (*Republic of El Salvador*, 1917).

El Salvador's complaints had intellectual roots, reflecting not only the use of international law at the time, but also the potential to develop it in the future. First, El Salvador, through the Chargé d' Affaires Dr. Don Gregorio Martin, built its case from two preceding territorial disputes: the Agadir crisis and the Magdalena Bay case. The former involved the international protests on the part of Great Britain

and France when Germany sent a gunboat to the Moroccan coastal port of Agadir in 1911. Since France had violated a previous agreement, the Algeciras Accord, Germany dispatched the *Panther* to the port in order to demonstrate its mettle against the violator. France, however, objected to the foreign naval presence near its shores since it had administrative control over Morocco (Kissinger, 1995). To the surprise of Germany, its principle ally Austria, along with Great Britain, took the side of France over the Kaiser. As a result, this case offered El Salvador a precedent concerning the presence of a foreign military at the country's shores. The latter case entailed the leasing of Mexican coastal lands to U.S. commercial interests. A private U.S. company secured Japan to assist in commercial activities in the area. Although the Japanese government did not sponsor the aid, having Japanese activities so close to the United States provoked an outcry by Washington and the concomitant Lodge Resolution. The United States recognized, "when any harbor or other place in the American continent is so situated that the occupation thereof for naval or military purposes might threaten the communications or the safety of the United States" (*American Journal of International Law*, 1912, p. 938).

El Salvador continued to argue that Nicaragua lacked sufficient clearance in nautical miles. The Salvadoran government demonstrated that the measurements between the Salvadoran and Nicaraguan coasts and islands failed to meet the conditional fixed ten-mile route, the historically recognized length between coastal nations that would allow Nicaragua to claim the Gulf as its own territory. Thus, El Salvador utilized the writings of Cornelis Bynkerschoek, a Dutch jurist and international lawyer who helped develop the law of the sea, to show that Nicaragua failed to meet the customary standards established in the practice of state behavior (*Republic of El Salvador*, 1917). As a result, Nicaragua was not the legal sole owner of the bay and did not, thus, exercise the privilege to establish the naval base. El Salvador further argued that the bay was under co-ownership. The government asserted that after independence, the Central American republics formed an internationally recognized union. Therefore, the Gulf of Fonseca constituted a legal "historic bay." This meant that El Salvador, Nicaragua, and Honduras exercised joint sovereignty over the Gulf. El Salvador cited other Historic Bays, such as those of Delaware and Chesapeake (Ibid). In fact, the Salvadoran representatives, building upon the concept of the Monroe Doctrine, labeled its argument the "Meléndez Doctrine," named after the then President of El Salvador Carlos Meléndez Ramírez (1915-1918) (Rodríguez, 1917). The Meléndez Doctrine essentially stressed that other Central American countries could not legally encroach upon the sovereign rights of another, particularly in the area of the Gulf of Fonseca, where three neighboring countries share common waters.

Finally, El Salvador pre-empted Nicaragua's most persuasive argument: sovereignty. The Salvadoran officials recognized that Nicaragua would simply fall back on the argument of sovereignty, meaning that having the naval base and U.S. troops, as well as entering the treaty in the first place, remained Nicaragua's natural sovereign right. El Salvador, however, argued the contrary, pointing out that Nicaragua

had actually lost its sovereignty. The presence of a foreign military on Central American soil imperiled all republics. "All the lessons the sovereignty of Nicaragua, imposes a sovereign control on this country," El Salvador argued, "therefore, the constitutional order that rests on the principle of absolute independence and on the inalienable integrity of its soil" (*Ministerio de relaciones exteriores*, 1916, p. 9). The overall argument was succinct: The treaty violated the country's rights in the Gulf of Fonseca. "[A] naval station in those waters, by its very nature, necessarily compromises the national security of El Salvador," the government asserted, "and, at the same time, nullifies the rights of co-ownership possessed by El Salvador in the said gulf" (*Republic of El Salvador v. Nicaragua*, 1917, pp. 10-11).

Nicaragua, however, countered El Salvador's complaint, pointing out that no threat had emerged with the signing of the treaty. Through its representative Dr. Don Manuel Pasos Arana, cited U.S. foreign policy history towards the region, stating that the United States historically had not threatened the Central American republics in the first place. Nicaragua continued by demanding proof that the United States had inflicted hardships on the Central American people. In fact, the country asserted that U.S. influence had actually benefited the region. "[The United States] has not proven to have been an obstacle to the enjoyment by those Republics of their full national life," the Nicaraguan government wrote in its defense, "there are even cases in which that influence has been beneficient" (*Republic of El Salvador v. Nicaragua*, 1917, p. 20). As for co-ownership, Nicaragua argued that it was not even co-riparian with El Salvador, but Honduras. Furthermore, the previous conflicts El Salvador cited (Agadir and Magdalena) to support its complaint were irrelevant for Central American. According to Nicaragua, those crises entailed the power politics of world powers, not small countries (Ibid). Nicaragua concluded its defense by citing sovereignty. Regardless of the opinions of neighboring countries, Nicaragua remained a sovereign state with the rights conferred on it, including establishing a naval base and entering into treaties. El Salvador did not have the right to intervene.

The Court's decision for this case came in a number of parts. First, the Court had the jurisdiction to hear the case, a claim Nicaragua later tried to challenge. Second, the Court denied Nicaragua's defense and supported El Salvador on the grounds that the bases would "menace" neighboring countries and violate co-ownership of the Gulf. Finally, the CACJ ruled that the Bryan-Chamorro Treaty violated the second and fourth articles of the Treaty of Peace and Amity signed between the republics in 1907. In fact, the decision went to great lengths to show that a ruling in favor of Nicaragua would not only be inconsistent with the High Bays principle, but would also negatively affect the international practice of common waters. "A change in the theory of the use of the common waters of the Gulf […]" the Court ruled, "would imply nullification of jurisdictional rights that should be exercised with strict equality and in harmony with the interests of the community" (*Republic of El Salvador v. Nicaragua*, 1917, p. 57). As a result, the CACJ held Nicaragua

legally responsible to suspend the articles of the Bryan-Chamorro Treaty, which was incongruent with the Washington Treaty Conventions.

Costa Rica also brought a complaint before the Central American Court of Justice. The country objected to two points related to Nicaragua's engagement with the United States. First, the country objected to the Bryan-Chamorro Treaty on the grounds that Nicaragua failed to consult the country, as stipulated by The Cañas-Jerez Treaty (or Treaty of Limits). The two countries signed the treaty on April 15, 1858, under the guidance of the United States. Second, Cost Rica asserted that a canal constructed through Nicaragua harbored the potential to affect its territory (*Republic of Costa Rica*, 1916).

The Cañas-Jerez Treaty was instrumental for Costa Rica's case. The treaty laid out the regulation regarding the contentiously shared Rio San Juan. Serving as the border between the two countries, the river was and continues to be commercially significant since it naturally connects the Atlantic with the Pacific Ocean. The treaty stipulated that although the river belonged to Nicaragua, Coats Rica had certain rights to navigate the waters. Cost Rica opined that Nicaragua violated the Cañas-Jerez Treaty. The treaty states that both countries had to enter into mutual negotiations if one wanted to alter the arrangement concerning the river (Pérez Zeledón, 1887). Drawing upon the stipulations in the treaty, Nicaragua, therefore, could not enter into any agreement with the United States "without first hearing the opinion of the Costa Rican government" (*Republic of Costa Rica*, 1916, p. 6). "The gift of nature" not only gave Costa Rican vessels and merchants the international right to navigate through the river, but it also provided a waterway free of tolls and other transaction costs. Furthermore, as in the case of El Salvador and Nicaragua, Cost Rica also argued that the river was under co-ownership (Ibid, p. 25-27). Therefore, the Bryan-Chamorro Treaty violated the 1858 Treaty and the Washington Treaty because it gave Nicaragua dominion over co-owned property and imperiled Costa Rica's right to navigate neighboring waters.

The government of Cost Rica also pointed out that Nicaragua had not consulted its diplomatic officials. "[The Bryan-Chamorro Teaty] could not have been carried out without a flagrant violation of the clear treaties actually in force," the Costa Rican government asserted, "which prevent Nicaragua from entering any interoceanic canal agreement without previously consulting Costa Rica" (*Republic of Costa Rica*, 1916, pp. 92-93). The Costa Ricans further affirmed that U.S. President Grover Cleveland had actually accepted and legitimized the Cañas-Jerez Treaty. In fact, the government received *The Cleveland Award* for signing the 1858 treaty. "The Republic of Nicaragua remains bound not to make any grants for canal purposes across her territory," the award stated, "without first asking the opinion of the Republic of Costa Rica, as provided in Article VIII of the Treaty of Limits" (Ibid, p. 7). In addition to citing the treaty, Costa Rica advanced another argument: Nicaragua and the United States actually signed the Bryan-Chamorro Treaty in secrecy. Costa Rican officials complained to Washington, protesting that they had heard of the treaty "in an informal way"

and "[s]uch information has caused great surprise to my government" (Ibid, p. 92). In fact, Costa Rican lawyers actually sifted through newspapers concerning the treaty and primary official documents between Nicaragua and the United States to support their argument. In one instance, they found evidence of secrecy and the signing of the treaty in the *Congressional Record* of Washington D.C. The U.S. Senate debated and voted on the treaty without the consulting Costa Rica (Ibid, p. 22). Nicaragua, as in the case with El Salvador, offered a succinct rebuttal. The government conceded that it entered into the treaty in secrecy. Nicaragua declared, however, that it did not ignore the concerns of Costa Rica. Furthermore, as a sovereign country, the Nicaraguans merely exercised their right to enter into an agreement, one of which would not cause harm to neighboring territory nor be in "any violation of the existing treaties between the two nations" (Ibid, p. 16).

The Court rendered its decision on May 1st, 1916. The Court ruled against Nicaragua. The CACJ observed that due to Nicaragua's entrance into the Bryan-Chamorro Treaty, "existing treaties would be considered to be infringed" (Ibid, p. 38). Nicaragua could not enter into other treaties because it had signed previous treaties (i.e. The Cañas-Jerez Treaty). Therefore, the verdict held the following: "The Governments of Costa Rica and Nicaragua are under the obligation to maintain the status quo that existed between them prior to the Treaty that gave rise to the present controversy" (Ibid, p. 40).

THE COURT'S DEMISE

Nicaragua's Minister of Foreign Relations, J.A. Utrecho, nonetheless, rejected the Court's decisions. Utrecho quickly conveyed his country's decision to the United States. "[T]he powerful and just grounds which have compelled my government," he wrote in a telegram, "to reach the unbreakable resolution to reject the awards rendered by the honorable Central American Court" (U.S. Department of State 1917a, 1111). Nicaragua's decision was strongly supported by Washington. "It is not perceived that Nicaragua, by the proposed treaty with the United States," Washington responded, "has done or contemplates doing anything that can be regarded as a violation of the Treaty of 1858" (*United States and Nicaragua* 1932, 30). This served as the first step towards the demise of the Court. The Court depended on a ten year renewal by member states. The first ten-year period (1908-1918) came to an end. Displeased with the Court's verdicts, however, Nicaragua, with U.S. support, refused to sign on for the second ten years. The other republics expressed disappointment. Costa Rica tried to renew the Court to no avail (*New York Times*, 1918). El Salvador affirmed its "deep pain" over Nicaragua's decision through correspondence with both U.S. Secretary of State Robert Lansing and the Nicaraguan Minister of Foreign Relations (U.S. Department of State, 1917b and 1917c, p. 31-33). In fact, even Guatemalan President Manuel Estrada Cabrera, against whom the Court ruled in the first case,

later lauded the CACJ for working with "patriotism" and "good intelligence" on behalf of the Central American republics (Cabrera, 1916). Lament spread beyond Central America. Newspapers throughout the Americas deplored Nicaragua's rejection of the verdict. The Argentine daily *La Nación* congratulated the work of the Court and denounced Nicaragua's behavior as "an attack against the basic fundamentals of international relations" (*Nación*, 1918, p. 8). *The New York Times* even urged the Wilson Administration to nullify the Bryan-Chamorro Treaty and rescue the CACJ. "The Court should be saved. It has done good work," the paper declared, "the loss of the treaty would not be a heavy price to pay for the preservation of the court and for prevention of war" (*New York Times*, 1916, p. 10).

Washington's failure to be the guarantor of the Court, however, meant the end of the CACJ. As guarantor, the United States had the responsibility of defending the Court's integrity and existence, regardless of its decisions. Nonetheless, Washington failed to raise any objections against Nicaragua's decision. In fact, Secretary of State Robert Lansing believed that the Court failed to be useful in settling disputes and, thus, did not merit saving (Baker, 1966). Washington also felt that the CACJ judges expressed partisanship in their decisions and that the Court failed to serve the interests of the isthmus (Salisbury, 1989). As a result, Washington, focusing more on the developments of the First World War, said little about the passing of the Court. Lansing merely offered assurance that his country would not harm Costa Rica if the United States were to construct a canal. "I am not able to perceive wherein the treaty which has been concluded with Nicaragua," he wrote to Costa Rican officials, "can be thought to affect adversely any existing rights of the neighboring Republics" (*Republic of Costa Rica*, 1916, p. 122). The Central American Court of Justice officially closed at 3:00 pm on March 12, 1918 (U.S. Department of State, 1918).

CONCLUSION: HISTORICAL AND CURRENT IMPORTANCE

Contra conventional wisdom regarding the Central American Court of Justice (1907-1918), the Court was a significant development not only for Central American studies, but international relations in general. This particular period in Central American history is crucial for obtaining a more comprehensive and balanced perspective of the region. The Central American nations are pejoratively known as "Banana Republics." However, this period counters the more negative historical narratives and images. Despite the Court's demise, the Central American republics came together to create a functional and effective supra-national institution that could have served as a model for other world regions embroiled in conflict. Academic and policy research cannot neglect this crucial part of Central American politics.

Moreover, the Court dealt with issues that still remain controversial in the world today. Treaty engagement, sovereignty, non-intervention, the law of the sea, border conflicts, among others are all common disputes. The negotiations, settlements,

and verdicts among the Central American republics could help forge international law and the customary practices between states. In fact, similar conflicts have continued to persist between the Central American republics, especially over Río San Juan, the contentious border between Nicaragua and Costa Rica. A recent case (*Costa Rica v. Nicaragua*, 2011) in the International Court of Justice (ICJ) has addressed the same issues surrounding the river.[7] The CACJ has value, however, beyond the borders of Central America. Revisiting the Court can help inform current legal conflicts as between countries as diverse as Argentina and Uruguay and Cambodia and Thailand. Additionally, the structure of the Court and its apparatus can offer insight into how to develop current regional organizations today. As a result, renewed interest in the Central American Court of Justice can be both academically significant and policy relevant long into the future.

NOTES

1 The literature is too vast to cite. However, some works include Salisbury (1989), Longley (2009), Booth, et al. (2009); Loveman (2010); Walker and Wade (2011).

2 Creating renewed interest into historical case studies can be greatly beneficial for scholarship. See, for example, Pereira (2012) for understanding the structural transformation of the Portuguese industrial working class and Peixoto (2011) for a re-evaluation of the Panther Affair between Brazil and Germany.

3 There is no scarcity of literature on the conferences and international peace movements from this time. For an analysis on the peace movement, see Best (1999). For more on the Congress of Panama (1810-1826), see de la Reza (2013). To understand José Martí's criticisms of the Pan-American Conference, consult Fernández Retamar (2006).

4 It is important to note that Washington had interests in Central American stability. The United States perceived the isthmus as integral to its national security, particularly with the newly created Panamanian Canal. See Zamora (1995) for more on U.S. regional interests.

5 The first war took place in 1876.

6 The security dilemma emerges when one states attempts to increase its own security, but, in turn, threatens the security of another.

7 For further information on the case, consult http://www.icj-cij.org/en/case/152.

REFERENCES

American Journal of International Law. (1908a) Convention for the Establishment of a Central American Court of Justice 2, no. 1/2, Supplement: Official Documents (January - April), pp. 231-243.

American Journal of International Law. (1908b) The First Case Before the Central American Court of Justice 2, no. 4 (October, pp. 835-841.

American Journal of International Law. 1912. The Magdalena Bay Resolution 6, no. 4, October, pp. 937-939.

Arguello, L. P. (1986) *La Corte de Justicia Centroamericana*. Law Thesis, El Colegio de Abogados de Costa Rica, San José, Costa Rica.

Baker, G. W. (1966) The Wilson Administration and Nicaragua, 1913-1921. *The Americas* Vol 22, no. 4, April, pp. 339-376.

Barbosa- Miranda, F. J. (2010). *Historia Militar de Nicaragua Antes del Siglo XV al XXI*. Managua, Nicaragua: Hispamer.

Best, G. (1999). Peace Conferences and the Century of Total War: The 1899 Hague Conference and What Came after. *International Affairs* Vol. 75, No. 3 (July), pp. 619-634.

Bolívar Juárez, O. (2011) La Convención Matus-Pacheco y el Amojonamiento de la Frontera Terrestre entre Nicaragua y Costa Rica. *Temas Nicaragünses*, No. 33 (January), pp. 75-85

Booth, J. A., C. J. Wade, and Walker, T. (2006) *Understanding Central America*. 4th ed. Boulder, CO: Westview Press.

Cabrera, M. E. (1916) Mensaje Del Presidente de la República de Guatemala a la Asamblea Nacional Legislativa al inaugurar ésta su sesiones el 1 de marzo, 1916. *El Guatamelteco*, March 1, 15.

Carranza Ernesto, M. (1908) No 1: Corte de Justicia Centroamerican. In *Demanda Intentada por El Gobierno de Honduras*, 1-15. San Salvador: Imprenta Meléndez.

Castro-Ramírez, M. (1918) *Cinco años en la Corte de Justicia Centroamericana*. San Jose, Costa Rica: Imprenta Lehmann.

Costa Rica v. Nicaragua. [1984] (2011) International Court of Justice.

De la Reza, G. A. (2013) A plataforma formativa do Congresso do Panamá (1810–1826): a conjectura Pan-americana revisitada. *Revista Brasileira de Política Internacional*, Vol. 56 no. 1, pp. 5-21.

Defensa Del Gobierno de Guatemala Ante de La Corte de Justicia Centro-Americana de Cartago en el Asunto de Honduras. (1908) Guatemala: La Imprenta República.

Demanda Intentada por El Gobierno de Honduras. (1908) Salvador Rodriguez G. Senor don Ernesto Martín, Secretario de la Corte de Justicia Centroamericana, Cartago, 16-131. San Salvador: Imprenta Meléndez

Dieta Centro-Americana. (1889) Pacto De Union Provisional de los Estados de Centro America, 15 octubre. San Salvador, El Salvador: Sistema de la Integración Centroamericana.

El Pais. (1909) Llegada del Presidente Zelaya a Mejico [Mexico], December 30: 1-2.

Fernández-Retamar, R. (2006) *Pensamiento de nuestra América*: *Autoreflexiones y prepuesto*. Buenos Aires: CLACSO

Hudson, M. O. (1932) The Central American Court of Justice. *American Journal of International Law* 26, no. 4 (October), pp. 759-786.

Karnes, T. L. (1976) *The Failure of Union: Central America 1824-1975*. Revised Ed. Charlotte, NC: University of North Carolina Press.

Kirgis, F. L. (1996) Elihu Root, James Brown Scott and the Early Years of the ASIL. In "Are Institutions Doing their Job," ed. John L. Hardgrove. Special issue, *Proceedings of the Annual Meeting (American Society of International Law)* 90 (March), pp.139-143.

Keohane, R. O. 2001. Between Vision and Reality: Variables in Latin American Foreign Policy. In *Latin America in the New International System*, ed. Joseph S. Tulchin and Ralph H. Espach, 207-214. Boulder CO.: Lynne Rienner.

Kissinger, H. (1995) *Diplomacy*. New York, NY: Touchstone.

LaFeber, W. (1993) *The American Search for Opportunity, 1865-1913: Vol. 2. The Cambridge History of American Foreign Relations*. New York: Cambridge University Press.

Longley, K. (2009). *In the Eagle's Shadow*. 2nd ed. Wheeling, Ill: Harlan Davidson, Inc.

Loveman, B. (2010) *No Higher Law: American Foreign Policy and the Western Hemisphere since 1776*. Chapel Hill, NC: University of North Carolina Press.

Lynch, J. (1992) *Caudillos in Spanish America: 1800-1850*. New York: Oxford University Press.

Madriz, J. (1908) *Voto del Magistrado por Nicaragua en la Corte de Justicia Centroamericano sobre el juicio promovido el Gobierno de Honduras contra los del Salvador y Guatemala*. Managua, Nicaragua: Gobierno de Nicaragua.

Martínez-Moreno, A. (1957) *La Conferencia de Washington de 1907 y la Corte de Justicia Centroamericana*. San Salvador: Publicaciones del Ministro de Relaciones Exteriores. *Ministerio de relaciones exteriores de El Salvador, Salvador and the United States*. (1916) Trans. Nicolás Leiva (June). San Salvador, El Salvador: La Imprenta República.

Ministerio de relaciones exteriores de El Salvador, Salvador and the United States, 1916. (1916). Trans. Nicolás Leiva (June). San Salvador, El Salvador: La Imprenta República.

Nación [Argentina]. (1918) Crónica Americana, August 22, p. 8.

New York Times. (1917) Naval Base as a "Menace," March 10, p. 4.

New York Times. (1918) Arbitration Court Closers Doors, March 17, p. 6.

New York Times. (1916) Our Treaty with Nicaragua, November 15, p. 10.

Pereira, J. D. (2012) "Industrial spaces and workers' communities: the Portuguese case study and the European historiographical tradition." *Revista Brasileira de História* 64: 15-32.

Peixoto, R. A. (2011) Then Come What May: For a redisscusion on the Panther Affair and on Rio Branco's foreign policy. *Revista Brasileira de Política Internacional,* Vol. 54 no. 1, pp. 44-66.

Pérez Zeledón, P. (1887) *Reply to the Argument of Nicaragua on the Question of Validity or Nullity of the Treaty of Limits April 15, 1858*. Trans. J.I. Rodriquez. Costa Rica: National Printing Office.

Republic of Costa Rica against the Republic of Nicaragua. Before the Central American Court of Justice. (1916) Trans. Press of Gibson Bros, Inc. San José, Cost Rica: National Printing Office.

Republic of El Salvador v. The Republic of Nicaragua. Before the Central American Court of Justice: Opinion and Decision. (1917) Trans. Harry W. Van Dyke (March 19). San José, Costa Rica: Imprenta Costa Rica.

Reyes Guerra, A. (1917) *Alegato verbal del Dr. Alonso Reyes Guerra como Abogado del Gobierno de El Salvador en la Vista del Juicio Promovido contra el Gobierno de Nicaragua*. San Jose Costa Rica: Sociedad Editora Nacional (Imprenta Moderna).

Rodríguez González, S. (1917) *El Golfo de Fonseca en el Derecho Público Centroamericano: La Doctrina Meléndez*. San Salvador: Imprenta Nacional.

Salisbury, R. V. (1989) Anti-Imperialism and International Competition in Central America 1920-1929. Wilmington, DE: Scholarly Resources Inc.

Scott, J. B. (1908) The Central American Peace Conference of 1907. *American Journal of International Law* 2, no. 1 (January), pp. 121-143.

Schoonover, T. D. (1991) *The United States in Central America, 1869-1911*. Durham, NC: Duke University Press.

Serrano, J. A. (1994) México y la fallida unificación de Centroamérica, 1916-1922. *Revista de Historia*, no. 3-4, pp. 32-43.

United States and Nicaragua: A survey of the Relations from 1909 to1932. (1932) U.S. Governmental Printing Office: Washington DC.

U.S. Department of State. (1908) Inauguration of The Court of Justice For Central America. Prepared by Elihu Root. File no. 6775/459, 215. FRUS Documents: Washington DC.

U.S. Department of State. (1917a) J.A. Utrecho to Lansing, The Minister of Foreign Affairs to the Secretary of State. Prepared by J.A. Utrecho, Managua, Nicaragua. File No. 817.812/322, 1104-1112. FRUS Documents: Washington, DC.

U.S. Department of State. (1917b) The Minister of Salvador to the Secretary of State. Prepared by R. Zaldivar, San Salvador, El Salvador. File No. 718.001/55, 31. FRUS Documents: Washington, DC.

U.S. Department of State. (1917c) The Salvadorean Minister of Foreign Relations to the Nicaraguan Minister of Foreign Relations. Prepared by R. Arrieta Rossi, San Salvador, El Salvador. File No. 718.001/55, 32-33. FRUS Documents: Washington, DC.

U.S. Department of State. (1918) To The Chargé in Costa Rica (Johnson) to The Secretary of State [telegram]. Prepared by Stewart Johnson, San José, Costa Rica. File No. 713.001/71. FRUS Documents: Washington, DC.

Walker, T. W. and Wade, C. J. (2011) *Nicaragua: Living in the Shadow of the Eagle*. Boulder, CO: Westview Press.

Zamora, A. R. (1995) *Intereses Territoriales De Nicaragua: San Andrés,y Providencia, Cayos, Golfo de Fonseca, Río San Juan*. Managua, Nicaragua: Fondo editorial de lo Jurídico.

Zelaya, J. S. (1907) *The Revolution of Nicaragua and The United States*. Madrid: Bernardo Rodríguez Printers.