### Nomination form
#### International Memory of the World Register

**1.0 Checklist**
Nominees may find the following checklist useful before sending the nomination form to the International Memory of the World Secretariat. The information provided in italics on the form is there for guidance only and should be deleted once the sections have been completed.

<table>
<thead>
<tr>
<th>Category</th>
<th>Checklist</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summary completed (section 1)</td>
<td>☐</td>
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<tr>
<td>Nomination and contact details completed (section 2)</td>
<td>☐</td>
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<tr>
<td>Declaration of Authority signed and dated (section 2)</td>
<td>☐</td>
</tr>
<tr>
<td>If this is a joint nomination, section 2 appropriately modified, and all Declarations of Authority obtained</td>
<td>☐</td>
</tr>
<tr>
<td>Documentary heritage identified (sections 3.1 – 3.3)</td>
<td>☐</td>
</tr>
<tr>
<td>History/provenance completed (section 3.4)</td>
<td>☐</td>
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<tr>
<td>Bibliography completed (section 3.5)</td>
<td>☐</td>
</tr>
<tr>
<td>Names, qualifications and contact details of up to three independent people or organizations recorded (section 3.6)</td>
<td>☐</td>
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<tr>
<td>Details of owner completed (section 4.1)</td>
<td>☐</td>
</tr>
<tr>
<td>Details of custodian – if different from owner – completed (section 4.2)</td>
<td>☐</td>
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<tr>
<td>Details of legal status completed (section 4.3)</td>
<td>☐</td>
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<tr>
<td>Details of accessibility completed (section 4.4)</td>
<td>☐</td>
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<tr>
<td>Details of copyright status completed (section 4.5)</td>
<td>☐</td>
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<tr>
<td>Evidence presented to support fulfilment of the criteria? (section 5)</td>
<td>☐</td>
</tr>
<tr>
<td>Additional information provided (section 6)</td>
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<td>Details of consultation with stakeholders completed (section 7)</td>
<td>☐</td>
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<td>Assessment of risk completed (section 8)</td>
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<tr>
<td>Summary of Preservation and Access Management Plan completed. If there is no formal Plan attach details about current and/or planned access, storage and custody arrangements (section 9)</td>
<td>☐</td>
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<tr>
<td>Any other information provided – if applicable (section 10)</td>
<td>☐</td>
</tr>
<tr>
<td>Suitable reproduction quality photographs identified to illustrate the documentary heritage. (300dpi, jpg format, full-colour preferred).</td>
<td>☐</td>
</tr>
<tr>
<td>Copyright permissions forms signed and attached. Agreement to propose item(s) for inclusion on the World Digital Library if inscribed</td>
<td>☐</td>
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</table>
Nomination form
International Memory of the World Register

Central American Court of Justice

ID Code [2016-60]

1.0 Summary (max 200 words)
Application for the documents forming the documentary resource called Central American Court of Justice, first standing tribunal for International Law in the world, according to the Inter-American Court of Human Rights, and experts and writers of treaties as Thomas J. Dood. (Annex 1)
A small region of the world not foreign to conflicts, showed it was possible to solve disputes finding peaceful, consensual solutions, through an instance having the purpose of guaranteeing the rights of the States and citizens, keeping peace and harmony of their relations unchanged, without having to recur in any case to the use of force. Noted as one of its most important achievements was having prevented two wars, fostering closer relations between the Central American States.
For the first time in the world acknowledgment of human being's capacity to demand upon the States is stressed. Individual are granted the quality of subject of international law (previously reserved only to the States). The abovementioned provision contributed to the Universal Declaration of Human Rights.
By then the Central American Court of Justice has no equivalent at world level as to its objectives and functions; therefore, the documents produced by this regional body imply information of great value for humanity.
In this background are documents such as claims forms, trials, accusations, resolutions, among others, with basic dates of 1908 to 1918.

2.1 Name of nominator (person or organization)
National Archive of Costa Rica

2.2 Relationship to the nominated documentary heritage
Custodian

2.3 Contact person(s) (to provide information on nomination)
Virginia Chacón Arias, Chief Executive of the National Archive
Javier Gómez Jiménez, Chief of the Historical Archive Department

2.4 Contact details
<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Virginia Chacón Arias</td>
<td>Curridabat, 900 meters south &amp; 150 west of Centro</td>
</tr>
<tr>
<td></td>
<td>Comercial Plaza del Sol. San José, Costa Rica</td>
</tr>
<tr>
<td>Javier Gómez Jiménez</td>
<td></td>
</tr>
<tr>
<td>Telephone</td>
<td>Facsimile</td>
</tr>
<tr>
<td>(506) 2283-1400</td>
<td>(506) 22347312</td>
</tr>
<tr>
<td>Email</td>
<td></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:directora@dgan.go.cr">directora@dgan.go.cr</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:jefehistorico@dgan.go.cr">jefehistorico@dgan.go.cr</a></td>
</tr>
</tbody>
</table>
3.0 Identity and description of the documentary heritage

3.1 Name and identification details of the items being nominated

If inscribed, the exact title and institution(s) to appear on the certificate should be given

Documentary resource: Central American Court of Justice for the period 1908-1918

3.4 History/provenance

The documents of the Central American Court of Justice were originally kept in custody, in the first premises of that institution between May 23rd of 1908 and May 4th of 1910, in a house of Cartago city, rented to Mr. Rogelio Troyo Pacheco, while the Court's building was constructed in that locality. In 1910, because of the earthquake catastrophe in Cartago, said file was buried and recovered from the ruins.

The Court was transferred to San José, to a house rented from Mrs. Julia A. de Núñez in 1911, while the building in Cartago was reconstructed or a new one in San José. Finally, the Court's building was constructed and inaugurated in San José in 1917, popularly known as "La Casa Amarilla", today used by the Ministry of Foreign Affairs and Worship.

The Central American Court of Justice keeps custody of its documents until May 25th of 1918, last date of administrative validity. Among the final provisions of custody of the Court's Archive, it to remain in the Government of Costa Rica's hands, later entrusted to the Ministry of Foreign Relations, prior authorization of the other Governments in the area.

The transfer of documents entered the National Archive of Costa Rica, from the Ministry of Foreign Relations, pursuant to the National Archive Act, number 3661 of January 10th of 1966.

4.0 Legal information

4.1 Owner of the documentary heritage (name and contact details)

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>General Directorate</td>
<td>Curridabat. 900 meters south &amp; 150 west from Centro Comercial Plaza del Sol. San José, Costa Rica</td>
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<tr>
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<tr>
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<td>(506) 22347312</td>
<td><a href="mailto:directora@dgan.go.cr">directora@dgan.go.cr</a></td>
</tr>
</tbody>
</table>

4.2 Custodian of the documentary heritage (name and contact details if different from the owner)

<table>
<thead>
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<th>Name</th>
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4.3 Legal status

Act N° 7202 of the National Archive System of October 24th of 1990, bestows the General Directorate of the
National Archive the function of custodian of the Nation's documentary heritage, as established in the following articles:

Article 3: All the documents with scientific and cultural value are movable property and part of Costa Rica's scientific-cultural heritage. Determination of the document's scientific-cultural value shall lie with the National Commission for Selection and Removal of Documents. Regarded of scientific-cultural are those text documents, manuscripts or printed materials, graphs, audiovisual and machine-legible, that because of their contents serve as testimony and express Costa Rican reality's development, such as: minutes, agreements, letters, decrees, reports, laws, resolutions, maps, blueprints, posters, photographs, films, recordings, magnetic tapes, "diskettes", and the others stated in the regulation of this law.

Article 4: The documents regarded of scientific-cultural value must be safeguarded in the diverse public administration archives of the country. Once the deadlines for referral are complied with, they shall be transferred to the General Directorate of the National Archive.

Article 10: Unhindered access to all the documents produced or in custody of the institutions referred to in article 2nd of this law is guaranteed. In the case of documents declared secret of State, of restricted access, they shall lose this status after thirty years of having been produced, and made available for scientific-cultural research when duly verified, provided other constitutional rights are not disrupted.

4.4 Accessibility

The documents are of public access. The original ones are digitized, so they are supplied to users in this form.

4.5 Copyright status

Describe the copyright status of the item(s) / collection

Is no copyright.

5.0 Assessment against the selection criteria

5.1 Authenticity.

The documents presented correspond to originals. The provenance and entry into the National Archive of Costa Rica is documented. Since the creation of the National Archive in 1881, order was issued of transferring “all the papers, books, files, dockets and protocols, relating to civil, criminal, ecclesiastic, military, municipal matters, from Finance and
Administration, dated previous to 1850, inclusive”. (Article 2, Decree XXV of July 23rd of 1881), to their office; therefore, the documents presented are part of an ongoing process of transfer, in coordination with the Governments offices.

The documents entering via transfer from the Ministry of Foreign Relations, in compliance with the provisions of the Law of the National Archive number 3661 of January 10th of 1966, article 7: Save for the documentation to be conserved for reasons of State and under procedure, the Ministries, their branches, autonomous and semi-autonomous institutions, the filed documentation shall be placed at the disposal of the National Archive, with due inventory, within the periods laid down in the Regulation to this Law, that shall not exceed thirty years.

5.2 World significance

For centuries, to maintain peace and international security, the great thinkers, statesmen and religious leaders, sought to find the most adequate means to solve international disputes peacefully, but to no purpose.

In contemporary times a proposal of the Tsar of Russia, a convention on the subject was approved in The Hague by the end of the nineteenth century, in 1898; but it was not until eight years later, in the Second Conference, the so called Permanent Court of Arbitration was created, which was not a real tribunal, but a list of arbitrators from which to choose an impartial person to decide of a particular litigation. (Aguilar, 2010).

Central America’s history is clearly marked by turbulent daily lives by the end of the nineteenth century and beginning of the twentieth: international wars, domestic revolutions and integrationist endeavors.

To consolidate peace in the Central American region, seriously affected by war between El Salvador and Guatemala one year before, and peace was barely signed aboard the “Marblehead” in 1907; then another armed conflict emerged between El Salvador and Honduras, on one hand, and Nicaragua on the other; consequently with the good offices of leaders Theodore Roosevelt, from the United States, and Porfirio Díaz, from Mexico, two pacts were signed in Washington, D.C. of extensive reaches: the successful General Peace and Friendship Treaty and the Convention for the Establishment of a Central American Court of Justice. (Aguilar, 2010).

It is in this context the Central American Court of Justice is born, as a specific product of the Peace Conference. The Court’s creation is based on Article I of the General Peace and Friendship Treaty, signed on December 20 of 1907, which reads:

“The Republics of Central America consider the maintenance of peace as their fundamental duty in their mutual relations; and they are compelled to always watch the most complete harmony and solve any disagreement or difficulty that may arise between them, of any nature whatsoever, by means of the Central American Court of Justice created by the Convention they have celebrated for that purpose on this date.” (Central American Conference, page 5).

The Central American Court of Justice, is considered by a host of authors and the knowledgeable in this field, as the first standing tribunal for International Law in history (Iza, 2009, page 124), which is also recognized for its pioneer work as an International Court on Human Rights.

This Tribunal was a visionary idea in its organization and purposes for the time when it developed activities; the main characteristic is its ample jurisdiction. There was no international tribunal having a similar one before; the Court of Arbitral Justice at The Hague in 1907 was limited to those matters the parties wished to submit, by virtue of a compromise agreement. Later, it is only until 1920 there were tribunals establishing a jurisdiction as broad. (Gutiérrez, 1957, page 15).

The entity was designated as court of last instance in the four types of disputes given jurisdiction. They were: treaty interpretation; cases submitted by mutual agreement of the States, by special agreement; jurisdiction on international issues, problems arising between one Central American country and a state outside the area; and finally, cases submitted by individuals against any government on the area. (Dood, 1986, page 70).
One of the most admirable points of this major event is that for the first time in the world a human being’s capacity to start proceedings against States, provided ordinary and domestic extraordinary remedies had previously been pursued or there was denial of justice.

The fundamental significance of said provision is that it acknowledges individuals the quality of subject of international law that according to the classic, orthodox doctrines was solely reserved to States. This constituted an advance of that powerful trend currently advocating acknowledgment of persons as such. The stated provision, according to the criteria of numerous authors, paved the way for the Universal Declaration of Human Rights. (Aguilar, 2012).

It provided the precedent by which international law was tested in the defense of rights, of individuals as well of States. Tribunals such as the Central American Court of Arbitration (1922-1923), the World Court (1922), the Nuremberg trials (1945-1946) following the end of World War II, the European Court of Human Rights and the International Court of Human Rights, they all produced precepts from this first experiment, guaranteeing rights to individuals and offering arbitration and mediation to the national States. (Dood, Ibid, page 78).

Having prevented two wars is noted as one of its most important achievements, fostering closer relations between the Central American states, and creating a paragon of peace, arbitration and fraternity among the Central American republics’ population (Pasos, 1982, page 77).

Thus, for example, the Court mediated twice in the revolution of Nicaragua in 1909; the first by sending notes, and the second one, dispatching a delegation of Magistrates. Later, it intervened and lodged its good offices in the revolution of Honduras in 1908, successful mediation that shut down the upheaval. (Pasos, 1982, page 22). On December 19th of 1908, the Court passed a ruling related to this conflict in Honduras, a resolution stating the binding norms for the Central American nations on domestic conflicts. Said norms (12 in total) are “golden rules” in the behavior of Central American nations.

As samples of these, we can see it enacts among other aspects:

“... the maintenance of neutrality by a State imposes the obligation of abstaining in any participation in war conflict ...”

“... it’s the duty of a neutral State to veil so its territory is not used as meeting place or point of departure for hostile operations...”

“... the neutral State should not allow or tolerate that one of the warring factions executes territorial operations against the enemy in its ports or territorial waters”. (Cited by Pasos, 1982, page 23).

If the Central American nations after 1908 and currently, adjusted their actions to the complexity of the 12 rules mentioned, there would be a healthier harmony in the region without any doubt. (Pasos, 1982. Pág. 25).

It is possible to observe each phase of the process involved in the launching of this particular, ambitious and novel proposal in the 261 documents comprising the documentary resource produced by the Central American Court of Justice in its functions, under the custody of the National Archive of Costa Rica. The first documents originated by this tribunal refer to the explanation of its origin as well as its functionality; a demonstration of tenacious and transparent work of this Judiciary.

The greatest documentary wealth is possibly found in the transcripts of accusations, allegations, claims, trials and resolutions of the same; accurate display of the Court’s actions always upholding the principle of justice of the law be it commutative, distributive, or corrective.

What is stated in the precedent paragraphs and the following specific reasons, are the basis to submit the documents of the Central American Court of Justice for consideration as Memory of the World:

With the Court’s creation, Central America showed its capacity to pose alternatives and solve their own disputes peacefully, without intervention of third parties.
It may be confirmed that the Central American Court of Justice was the first standing international court of justice known worldwide. This may be asserted for the next reasons:

a. The Permanent Court of Arbitration, created for the first Conference at The Hague in 1889, was a list of arbitrators, from which the parties chose to decide on a case. This tribunal’s jurisdiction was totally voluntary, since it was not even integrated until there was an agreement or arbitration pact. (Gutiérrez, 1957, page 57)

b. In the Second Conference at The Hague celebrated in 1907, (same year when the Central American Court of Justice is established), great efforts were made to create a permanent court. But the idea did not succeed, because it was not possible for the delegates to agree on the method of selection of judges. (Ibid.)

c. Excluding the Central American experience, there was no permanent international tribunal of wide jurisdiction until the creation of the Society of Nations (informally known as League of Nations) in 1919. Nevertheless, arbitration was an optional clause.

It represented a breakthrough in the framework of international history for the Central American region, as well as international relations at the global level. The Central American Court rescued ideas and concepts suggested by international law and which were only just implemented in other regions. Thus for example, the institution of international arbitration, then conceived only as an Ad-hoc mechanism in conflict resolution, acquired a permanent and compulsory character in the new Central American experience.

Their work paved the way for maintenance of Peace in Central America during the period of time it operated.

The possibility that not only the states can have access to their jurisdiction, but also natural or legal persons, is noted. This Court was the first international tribunal having among its multiple responsibilities the defense of human rights; the sole entity until then which could recur directly to individuals without sponsorship of their States, thus innovating International Law.

It served later as immediate antecedent and indicative experience to the Statute of the International Permanent Court of Justice at The Hague, created in 1920, according to the Pact of the Society of Nations (or League of Nations) (Gutiérrez, 1957, page 12). This pact sets out in article 14:

“The Council will formulate and submit projects for the establishment of an International Permanent Court of Justice before League members, for their adoption. The Court shall have competence to address and resolve any disagreement of international nature submitted by the parties; may also issue advisory opinions on all disagreements or issues submitted by the Council or Assembly”.

Article 12 also indicates, members agree:

“…that, should there arise any difference between them that could lead to a rupture, the issue will be submitted to arbitration”.

Both elements are in line with the duties of the Central American Court of Justice, created over ten years before, indicating the structure served as model for this institution, for its nuances of a Permanent Court or a Court of Justice.

The organism acted as defense so discrepancies between the constituent parties did not burst out, and even when some violence exploded, not only internationally but in the domestic order; the court’s actions made it feel as a buffer. In this sense it was ahead of what later was embodied in the Organization of American States and the United Nations.

The documents produced by the Central American Court of Justice are accurate expressions of the activities it engaged in, its course of action and consequent results.
The Central American Court of Justice has no comparison at world level as regards its objectives and capabilities; therefore, the documents produced by this regional body imply valuable information for humanity, thus deserving to be recorded as a part of the International Memory of the World Register.

The eventual loss of these documents would mean impoverishment of the documentary memory, no just for a country but to humanity since it set an important milestone in the course of world history.

5.3 Comparative criteria:

*Does the heritage meet any of the following tests? (It must meet at least one of them.)*

1 Time
It was the first international permanent court of justice in the world; its operation avoided conflicts and propitiated regional peace.
The political environment when the Washington Conference was summoned, announcing hostilities breaking up between El Salvador and Nicaragua, and between this Republic and Honduras, evidenced an imminent political and military engagement of other Central American nations.

2 Place
The Court was actually defined as a genuinely Central American allegiance institution. Upon the states of the isthmus granting the mission of applying the law to solve conflicts to this High Court, they were tangentially accomplishing the invalidation of the assignment of rights granted by some Central American states to the presidents of the United States and Mexico, the so called Pacts of Marblehead and Amapala, 1906, where they had to act as required arbitrators in the regional disagreements. The transformation produced in the Washington Conference's diplomatic negotiations was remarkable when Central America's pacifist initiative was transferred from the governments of the United States and Mexico, who promoted the summons, to the representatives of Central American governments who finally defined the institutions to solve regional conflicts.

3 People
The Court's creation and operation showed a change in the world's political dynamics, displayed novel legal institutions of an outreach virtually impossible in a region where the force of power prevailed in the relations between States. For example, the Court's jurisdiction was very ample: cases could be heard referring to "national honor," to the independence, to "vital interests," and even, individuals in their subjective nature could submit cases before the Central American Tribunal. Similarly, the powers granted to the Court to determine its jurisdiction were very ample, which allowed it to hear cases when one of the parties objected the Tribunal's jurisdiction.

4 Subject and tem
It meant the first advance or transition in Central America's intra-regional diplomacy, representing a paramount step within the development of international relations and of international law, both public and private; through it attempt was made to carry out an international practice in Central America which was barely distinguished as possible on the discussions taking place in the Peace Conferences at The Hague, during the same years the Central American Court of Justice was created.

6.0 Contextual information

6.1 Rarity
The documents are unique and irreplaceable; therefore, finding an original someplace else isn't possible.

The documentation submitted has the particularity of having been issued by the first and only legally competent decision making body related to international conflicts resolutions between Central American countries and between individuals and States; they were also officially transferred to the National
They have the signature of persons occupying political positions of the historical context and the persons appealing to their right to recur to this high tribunal; their physical characteristics also correspond to documents from the period.

6.2 Integrity
The documentation is complete, and has not been altered or damaged. The documents have not undergone restoration processes that could originate losses or modifications. From its moment of entry to the National Archive of Costa Rica the documentation has been preserved intact, respecting the principle of origin.

All the documents are integral part of a documentary resource. Each document is individually comprehensible, so it fulfills with documentary until integrity, but is also part of a documentary context, and so are pieces which united allow knowing the historical circumstances when they were created.