There has been criticism in the State of California of the terms of the International Water Treaty between Mexico and the United States signed on the 3d of the present month. Even though it is not our duty to defend the said international document before North American public opinion, and in any event since the objections continue, some explanations seem necessary in this connection in view of the interest which the press of this capital has shown in the matter and in view of the necessity of avoiding our silence being interpreted in the Republic as an acceptance of the soundness of those criticisms.

Of the seven North American states through which the Colorado River flows, California has obtained the greatest benefit from its waters, since the prosperity of the agricultural region of Imperial Valley, in the beginning of this century, was due in large part and in its initial stage, to the spirit of understanding displayed by the Government of Mexico in agreeing to the passage through national territory of the aforesaid river, at a time when it was considered economically impossible to construct the "All-American Canal", which when recently inaugurated deflected them (the waters) toward those lands eliminating its course through Mexican territory.

The assertions that the Treaty disposes of property belonging to the United States, under conditions which constitute a gift to Mexico, very much more than that required by international courtesy, and that they do not grant to Mexico rights over the waters of the Colorado River nor benefits of the services derived from the great public works constructed by the North American Government within Its boundaries, are affirmations based on an archaic theory of priority of use, according to which the exploitation of international river currents belonged to the one which first made use of them.

In this respect, it seems opportune to make clear that Mexico, in conformity with the terms of the Treaties previously signed between the two Nations, and in accordance with the universally accepted rules of International Law, has indisputable
title to a part of the volume of the Colorado River, since it is an international river.

Consequently, the allocation of waters to Mexico does not have the character of a donation. The Treaty confines itself to distributing a common property on terms of justice and equity, based on the natural physical condition of our land and the adjacent regions. Our Republic, then, has pre-existing and perfectly established rights to a part of those waters, which should not be endangered by the diversion of the same made by the inhabitants of the North American zone.

The contrary would be equivalent to favoring riparian rights of the stronger to the detriment of the weaker, and it is a recognized principle of the Law of Peoples that no State must perform acts injurious to its neighbor. This rule is especially applicable to international routes and explains the existence of numerous international commissions and agreements, European as well as American, on the matter.

The circumstances and the real necessities of neighborliness between States have happily come to substitute for the absolute theory of unrestricted sovereignty.

But, even in accordance with domestic law, the principle of reciprocal rights referred to has been duly accepted and put into practice. Precisely the North American States in the basin of the Colorado River (Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming) have set up a commission charged with the investigation of the rights and the necessities of these Federal Entities and the discussion of the bases for an agreement on the distribution of the waters. In 1922 an agreement was reached between them ("Santa Fe Pact"), in which it was stipulated that in case of a treaty between the United States and Mexico assigning to Mexico an allocation of water, the group of States of the lower and upper basins, would contribute in equal parts to said assignment.

If this procedure has been applied pertaining to integral parts of a single country, much more justified and necessary would be the recourse to the same procedure to adjust the interests of two sovereign nations in a friendly way.

The Water Treaty signed in Washington, February 3, 1944, is not an improvisation. It is the result of long negotiations brought to an end by the two Chancellors, and of laborious studies of technical order, carried out by elements in both countries perfectly competent to seek a solution, such as that which
which has resulted - of equilibrium between the interests of both Parties and of absolute justice for both.

Before the Treaty, Mexico always had the right, exercised on numerous occasions, to oppose works of North American advantage which, carried on without previous international arrangement, should have been considered illegal. If the case which occupies us had been submitted to the resolution of an arbitral tribunal, Mexico would surely have obtained a favorable judgment. The Treaty of February 3 has come to put an end to the uncertainty which this situation represents for the North American users of the Colorado River, terminating also the origin of the confusion concerning the volume of water of the same river corresponding to Mexico, and that which should be contributed in equal parts, as indicated above, by the North American States of the upper and lower basins.

In conclusion, the Treaty signifies the satisfactory technical resolution of an old problem, adjusting it to the judicial situation created by the agreements in force between both countries and the recognized principles of International Law. Its approval will bring, as a consequence, reciprocal benefits and the elimination of causes for friction or for controversy, obviously asserting and strengthening the links of friendship that unite Mexico with the United States of America.