

so worthily presides, to please call another meeting of the Honorable gentlemen who form the Committee, notifying them that I respectfully request a reconsideration of the resolution referred to, or some explanations that may be necessary to remove any obstacle or wrong interpretation, which might frustrate the exalted purposes that the Pan-American Conference is called upon to carry into effect.

I shall postpone my voyage to Venezuela, until the receipt of the answer of Your Excellency and a solution of this incident, which will be satisfactory to all.

I have the honor to renew to Your Excellency my high and distinguished consideration.—(Signed) *Fernando E. Guachalla.*

To His Excellency, the Secretary of State, Washington, D. C.

EXTRACT of proceedings of the Executive Committee of the Bureau of American Republics at its meeting held May 16, 1901.

Dr. Hill: I have tried to put the proposition into compact form and I will state for your information the form in which I thought it could be stated, which is as follows:

The tentative programme will be regarded as indicating the range and character of the subjects discussed by the Congress except as it may be modified by the further agreement of all the members composing the Congress.

Dr. Silva: I propose the following as an answer and ask permission to submit it:

The Committee declares: That the original programme and the amendment approved of in the session of the 6th. instant are mere suggestions which do not in any way restrain the action of the Congress to be held in Mexico, nor confine the initiative of the Republics that have been invited thereto.

Mr. Calvo moved that a vote be taken upon the proposition of the Chairman. This was seconded.

Messrs. Carbo and Calvo voted «aye.» Messrs. Silva and Guachalla voted «no.» The Chairman declared the vote a tie and asked if they wished to decide the question at once and have him cast the deciding vote, or to adjourn. Mr. Calvo thought it better to decide at once. Mr. Guachalla preferred to adjourn until to-morrow to consider the matter. Dr. Silva suggested that a private Committee of four take it under consideration and come to an agreement.

A recess was accordingly taken.»

Communication of His Excellency the Minister Plenipotentiary of Bolivia to the Director pro. tem. of the Bureau of American Republics.

LEGATION OF BOLIVIA.—New York, May 21, 1901.—To the Acting Director of the Bureau of the International Union of American Republics.—Washington, D. C.—Mr. Director: In order to facilitate the engrossing of the minutes of the session of the Executive Committee of the 16th of the present month, I desire to give hereby a resume of the observations I made during the same. It will be necessary to submit this to the judgment of the Honorable gentlemen who form the Executive Committee, leaving to them the task of wording it properly.

As two languages were used and in some instances in form of a dialogue, I believe that the stenographer may not have been able to note all I have said. I shall make a short synopsis of that only which personally concerns me.

The session opened under the presidency of Hon.

David J. Hill, First Assistant Secretary of the Department of State, and was attended by the representatives of Bolivia, Colombia, Costa Rica and Ecuador.

In the first place, a reply of the Minister of Chili was read acknowledging receipt of the official advice which had been transmitted to him on the 6th, when the previous session took place, announcing the modification introduced in the project of the programme that is to be submitted to the Pan-American Conference, which will meet soon in the City of Mexico.

In the second place, the communication which I had the honor to address to the President of the Executive Committee on the 11th was read; said communication you will please insert in the minutes.

After this was read, I expressed my thanks to the Hon. Acting Secretary of State and to the Honorable members of the Committee for attending the session which had been called at my request. Referring to my said communication, and as a preliminary, I stated the following: I request the Executive Committee to please declare, whether the programme it had prepared and the modification it has adopted in its session of the 6th. are binding upon the Pan-American Conference; and whether the latter, by virtue of its own authority, is to establish, with more or less amplitude, the programme of its labors. I added that my government had a lively desire for the concord and harmony of all the American Republics; and that for this purpose I limited myself to request a formal declaration, although it might appear unnecessary, inasmuch as the programme was only provisional, according to the existing records and to the very minutes of the session of the 6th., the official copy of which I had just received.

The Chair stated repeatedly that the programme was only provisional, defining it in the following words: *the tentative programme*, but he concluded by stating, that it could only be modified by the *unanimous vote of all* the members of the Conference.

The Minister of Colombia offered the following motion in writing: «The Committee declares, that the original programme and the amendment approved of, in the session of the 6th. inst. are mere suggestions, which do not in any manner restrain the action of the Congress to be held in Mexico, nor confine the initiative of the Republics that have been invited thereto.»

The Minister of Costa Rica asked that the first proposition be voted on.

I asked, which was the first proposition, as the Chair had only stated one opinion, but if that opinion was to be considered as a draft of a resolution, it should be discussed jointly with what had just been read.

The Chair having been asked, whether he offered a specific proposition, he replied in the affirmative, and he immediately put it in writing, in the terms which I shall state further on.

The Minister of Ecuador observed that only the motion of the Chair should be considered, as the motion of the Minister of Colombia had not been seconded.

I then asked the floor and seconded the said motion, and made the following observations:

It has not been my purpose to provoke any discussion whatsoever. I do not desire to discuss the question involved in the proposition of the President

but must say with regret, that the said proposition will close the doors of the Conference, which under the original programme were open for all, as it did not restrict the liberty of action of the nations, nor were they obliged to accept what they did not desire. Their vote now remains restricted by the second part of the proposition to which I refer. The terms appear contradictory: if it is a draft programme, *the tentative programme*, I can find no reason or motive, on which the necessity of unanimity to modify it can be based.

Unanimity, always difficult, is more so, in assemblies composed of large numbers. I need not state, why it would be impossible; the Executive Committee knows the conflicting desires, which some of the countries invited to the Conference have manifested.

I do not believe that in any political discussion, in which sovereignty and liberty are involved, the unanimous vote of all its members will ever be necessary for the purpose of deciding, whether a given subject is to be discussed or not. It appears, in reality, that unanimity for declaring, whether the discussion is to be an ample one, is the restrictive condition which claims our attention.

Even the modification of the political system of a nation, the most important act of the people, does not require, as a rule, but a two thirds majority of the deliberating body, and not of all its members, but only of those present. And is it possible, that unanimity is to be required for introducing into the debate a point, which is not stated, or badly stated, in the proposed programme to which I have referred? In what, then, does parliamentary liberty consist? Where does the sovereignty of the nations remain?

It appears incredible, but the proposition says no one shall discuss any matter, unless all, absolutely all, desire to discuss it. And it must be remembered, that it is not a question of the decision itself, that is to say, of the result of a discussion, a case in which one country or another may or may not dissent; it is a question only of the topics, which are to be discussed, and it is inconceivable, how the initiative and opinions of the States which will take part in the Conference, can be restricted by a programme, which they have accepted and in which such condition is not established, and which condition at this moment may be considered inexplicable.

In November of last year the text of a despatch of the Chilean Foreign Office to its legation in Washington was made known, which declared, that that Government would attend the Pan-American Conference, provided that in the programme there would be introduced «a positive and clear provision, whereby it would remain at once stipulated, that no matter could be discussed, nor much less adopt resolutions, whenever a delegate of any of the republics should oppose such matter or resolution.» With this precedent in view I had the honor to learn the authorized opinion of the Hon. Secretary of State, Mr. Hay, to the effect, that such a condition was unacceptable, because it would make all discussion impossible; and that neither the Department of State, nor the Executive Committee could take it in consideration, as the latter had terminated its allotted task when it prepared its proposed programme, which had been sent to the American Governments; adding thereto, that in the full debate of the Conference, each country could act with the reserve it might desire, and might, or might not, accept the decisions arrived at. I be-

lieved, that this correct opinion would eliminate the proposition proposed by Chili from all further debate. After this, the great surprise, which the proposition of the Chair has caused me, may easily be explained. I regret to say so: in substance, it is the same which is stated in the despatch I have referred to.

The Department of State has also indicated to the Legation under my charge, that in its opinion, it behooves the Pan-American Conference to determine the subject matter which it is to act upon, and the manner in which it is to proceed with regard to the same. This appears to me, in effect, to be the only correct way. The modification of the 6th and the restriction now proposed, are in absolute contradiction with the opinions which I have just recalled. It would therefore be desirable, that the motion of the Minister of Colombia be adopted, as its aim favors *all*, because it does not restrict the liberty of *any one*, and gives to *all* the right which *no one* can question, of expressing and sustaining their ideas in a frank and dignified discussion, no matter what may be the result of the vote.

The President and the Minister of Colombia had the floor thereafter and sustained their respective propositions.

I insisted on the declaration, that I would not enter upon the substance of the questions which arise from the modification of the 6th.; but that I could not refrain from illustrating the present question by an example: a State requests, for the purpose of finding out whether it will be adopted or not, the discussion of arbitration, ample and applicable to all questions, present and future; it is answered immediately: this point is already decided by the modification of the 6th.; and it cannot even be discussed, unless by a resolution of the unanimous vote of the Conference. A secret ballot is then taken, to decide, whether arbitration for the present may be discussed or not, I do not say may be adopted, but simply discussed, and the result is, that although there is but one negative vote, it is not possible to enter upon the discussion of a point already decided. Is this conceivable? Can a matter of such importance and of such interest for the peace and fraternity of America be prejudged in such a manner? Did the Executive Committee possess sufficient power to decide such a question? And are the other countries therefore to be precluded from bringing the matter up in the Conference, which ought to be free and sovereign? Oh, no. We shall go to the Conference for the purpose of deliberating, not to put a stop to discussion. Each one will sustain his own ideas, and if it does not suit him to accept the opinions of others, he will not do so, because he has the right therefore.

I am well aware, and so are all, that the original programme, the modification of the 6th. and now the proposition of the Chair, if voted upon, will not nor can have an obligatory character, because in the preliminary meeting of the greater part of the American representatives, which I did not have the honor to attend, the Executive Committee was only asked to prepare a project of a programme, but was not given the authority to decide any question whatever; because, its task was finished; because it could no further occupy itself with this matter, and much less abrogate the very decisions of the First Conference of Washington, signed almost unanimously by all the nations of America; furthermore, because the opinion of only a very few representatives, although it may be entitled to all respect, cannot prevail over that which all the

countries which will attend the Conference have already expressed regarding, a programme which has been brought to their knowledge, not, that they should make observations or ask the Executive Committee for explanations, as the Director of the Bureau seems to have understood but in order that the invited governments might give instructions, the very words of the official resolutions, *instructions*, to whom? . . . to their representatives in the Conference; and finally, because they have confidence in the high impartiality of the United States, whose worthy representative I am asking, to please modify, if it is possible, his proposition in the sense in which the Minister of Colombia has presented his own, and with whom I am in perfect accord.

The Chair thereupon spoke, and concluded by eliminating from his proposition the word «unanimity.»

The proposition was again read, and the Minister of Colombia and I observed, that inasmuch as the the words the agreement of *all* the members which compose the Congress, still existed, the suppression of the word «unanimity» had no importance whatever, as the intention still remained, that is, the vote of all, which is exactly the same as the unanimity of votes.

The proposition remained in text as follows: «The tentative programme will be regarded as indicating the range and character of the subjects discussed by the Congress, except as it may be modified by the further agreement of all the members composing the Congress.»

The Minister of Ecuador said: that the word *all* did not mean, that all should vote in the same sense, but that all should be present.

The Minister of Colombia asked the Chair, if this was the sense which he attached to the word *all*.

The Chair replied in the negative, stating that the decision must be given by all.

The Minister of Ecuador then stated, that a unanimous vote would be required only to modify the original programme, and not for the modification to the 6th.

I requested an explanation from the Chair in this sense, and the reply was: that the decision of all was indispensable to modify the original programme and the modification referred to.

I observed for the last time: The only thing I ask is, that it be stated as in the minutes of the 6th., that the members of the Committee declared unanimously, that the programme was provisional and not obligatory. This same thing I have heard personally from the representatives of Costa Rica and Ecuador, for which reason, and in perfect accord with my honorable colleague, the Minister of Colombia, I asked at the beginning of the session the questions which so far have not been answered.

It seems, as if it were desired to decide, by the adoption of the proposition of the Chair, a question of high continental interest, already considered in the Congresses of Madrid and Montevideo. For my part, I insist on declaring, that I do not discuss any question whatever, desiring only to state, that the Executive Committee neither could modify the original programme, nor introduce any restriction whatever in the same. If it should occur to one government or another, to make any remarks regarding the programme, and should address themselves to the Executive Committee, the latter would find itself in

daily discussion with the governments, and deciding some points in one sense or another, and then that would make the Conference unnecessary.

The only thing that can be obligatory is a decision freely accepted as the result of a discussion, but not a programme, which cannot have a peremptory and irrevocable character. For that reason, all the countries of America have the right to speak freely in the Pan-American Conference, without any restrictions which might diminish such right.

The Chair offered his own proposition, in the terms before mentioned, to be voted on. The Ministers of Costa Rica and Ecuador voted in the affirmative, and in the negative those of Colombia and Bolivia.

The Chair did not decide the tie, but made a suggestion to the members of the Committee that they had better try to arrive at an agreement in a confidential manner, in order to adopt if possible a satisfactory solution.

With these last words the session was closed.

I have the pleasure to subscribe myself your obedient servant (signed.) *Fernando Guachalla*.

NOTE of His Excellency the Minister Plenipotentiary of Colombia to the acting Director of the Bureau of American Republics.

LEGATION OF COLOMBIA.—Washington, D. C.—May 25th, 1901.—Mr. Williams C. Fox, Acting Director of the Bureau: Upon revising the English text of the minutes of the session of the 6th. inst., I have found two paragraphs which lack perfect sense, doubtless, because as I had expressed myself in bad English, the stenographer was unable to catch my words exactly. For this reason I take the liberty to enclose herewith a synopsis of my remarks in English and Spanish, for the purpose of substituting for them the two paragraphs indicated on page 10.

Please also take note of the corrections made on page 9.

I suppose, that the minutes of the last session we had will be duly recorded; but as the discussion was carried on almost entirely in Spanish and the stenographer could not take notes of the same, it will be necessary, that each one of the participants prepare a minute of what he said. Please advise me, so that I may send you what pertains to me.

I am your obedient servant.—(Signed.) *Carlos Martínez Silva*.

ENCLOSURE WITH THE FOREGOING NOTE.

The Minister of Colombia.—I have already said that I will vote in favor of the proposition of the Minister of Costa Rica, so as to insure the participation of Chili in the Congress. In any event, the ultimate decision of the point will rest with the Congress itself, our present purpose being merely to formulate a programme. But I insist in believing that arbitration should also be resorted to for the settlement of pending questions, and even this term «pending» seems to me lacking in precision. It frequently happens that pending questions arise out of past and even accomplished facts. What seems to me illogical under all circumstances is the acceptance of arbitration as an abstract principle, coupled with the declaration that it will be applicable only to future controversies, when perhaps a war has occurred which might have been prevented by the use of arbitration.

NOTE of His Excellency the Minister Plenipotentiary of Colombia to the acting Director of the Bureau of American Republics.

LEGATION OF COLOMBIA, June 22nd., 1901.—Mr. Williams C. Fox, Acting Director of the Bureau of American Republics.—Sir: In reply to the circular note addressed by yourself, on the 20 inst., to the members of the Executive Committee, and wherein you request my opinion regarding the expediency of communicating to the Ambassador of Mexico a synopsis of the proceedings of the session of the Executive Committee on Monday May 6, 1901, in order to define, at the instance of His Excellency the Minister of Chili, certain parts of the provisional programme for the International American Confer-

ence, to be held in Mexico on October 22 next, I take pleasure in stating to you, that I for my part accept the suggestion referred to, hoping that the synopsis, which will be transmitted, may contain all the data of the two sessions of the Executive Committee, occasioned by the request of the Minister of Chili, for an explanation regarding the scope of the provisional programme.

For the purpose of avoiding subsequent rectifications, I take the liberty to suggest to you the advisability of submitting a draft of the synopsis to the members of the Executive Committee who at present may be in the United States.

With due respect I subscribe myself your obedient servant (Signed.) *Carlos Martínez Silva*.