

## III.

## Regulations of the Conference and discussions to which it gave rise.

PROPOSED REGULATIONS presented by the Mexican Delegation printed and distributed among Delegates at the session of October 22nd 1901.

CHAPTER I.—*Of the General Secretary of the Conference.*—Art. I. The duties and powers of the Secretary General shall be the following:

First. To receive, distribute and answer the official correspondence of the Conference, in conformity with the Resolutions of the Assembly;

Second. To draft the minutes of the sessions in conformity with the notes that the Secretaries in charge may submit to him, and to have such minutes printed and distributed among the delegates;

Third. To revise the translations that may be made by the interpreters of the Conference;

Fourth. To have under his orders all the employees in attendance at the Conference, and to organize their respective labors;

Fifth. To distribute among the Committees the matters which are to be reported by them, it being his duty to place at the disposal of said Committees everything that may be necessary for the performance of their functions;

Sixth. To prepare and distribute the order of the day among the Delegates in conformity with the instructions of the President of the Conference;

Seventh. To be the intermediary between the Delegations, or the members thereof, in all that may refer to the matter relating to or connected with, the Conference and meetings of the Delegations and public authorities of the Republic.

CHAPTER II.—*Committees of the Conference.*—Art. 2. The Second Pan-American Conference shall have the following Committees:

First. Arbitration and Court of Claims;

Second. Agriculture, Industry and Commerce;

Third. Reorganization of the International Bureau of American Republics.

Art. 3. The Committee on Arbitration and Court of Claims, shall be composed of a member for each Delegation, to be designated by such Delegation, by a majority of the votes.

Art. 4. The other Committees shall be appointed by the President of the Conference and shall consist of from three to five members, chosen among the Delegations.

Art. 5. The President of the Conference shall have the power to appoint other Committees on the other matters that may be presented for discussion by the Delegations.

Art. 6. He shall also appoint in the same manner, a Committee on Engrossing, to prepare the final text of the Resolutions of the Conference.

Art. 7. The Committees may be divided into sub-Committees on special matters.

Art. 8. All the Delegates may attend the meetings of each Committee with the privilege of giving information but without the right to vote therein.

CHAPTER III.—*Sessions of the Conference.*—Art. 9.—The sessions of the Conference shall be held upon the call previously issued by its President.

Art. 10. The sessions shall begin at three o'clock in the afternoon, and cannot exceed the period of three hours.

Art. 11. In order to hold a session it shall be necessary that a majority of the States that constitute the Conference shall be represented, at least by one member of each Delegation.

Art. 12. The sessions shall be presided by the President of the Conference, and in his absence or inability, by the Vice-President, to whom this right may correspond in the order of his election.

Art. 13. The Delegates of each State shall be seated in groups and shall vote according to the alphabetical order of the names, in Spanish, of the States that they represent.

Art. 14. Whatever may be the number of the Delegates of State, the vote shall correspond to the Delegation as a whole, and shall be counted in the affirmative or in the negative by that of the majority of the members of such Delegation.

Art. 15. Upon the opening of each session the Secretary on duty must read in Spanish and English the minutes of the preceding meeting, to the Conference, for its approval or amendment.

Art. 16. The minutes of each session shall be printed and distributed among the Delegates before the opening of the succeeding session or at the latest upon meeting to attend said session.

Art. 17. The order to be pursued in the discussions of all matters, after the approval of the minutes, shall be as follows:

I. The Secretaries shall report all communications, documents, or correspondence, that may have been received, and which should be submitted to the Conference;

II. The motions or propositions made by the Delegates shall be read;

III. The reports presented by the Committees shall be read;



IV. The business of the day shall then be taken up, according to the order of the day.

Art. 18. The propositions of the Delegates shall be referred to the proper Committee in order that it may examine and report thereon unless the Conference, by a majority of votes, shall determine to discuss them immediately, or to reject them.

Art. 19. The reports of the Committees shall be printed in Spanish and English, and shall be distributed to the Delegates, at least one day before the date when they shall be included in the order of the day, for discussion.

Art. 20. Each Delegate, whenever he may desire to address the Conference, shall enter his name in the *Register of debates*, so that the President may rule that the debate be carried on in strict sequence. The Delegates may use their own languages, but the interpreters of the Conference, or the Delegate himself, upon the determination of his address, shall make a substantial synopsis of what he may have said, in the language, or languages that should be necessary. The remarks or propositions of the President, or presiding Vice-President shall be interpreted in the same manner.

Art. 21. The debates of the Conference, shall be private, excepting whenever it may be determined otherwise by said body. Therefore, the only persons who shall be entitled to enter the Hall of sessions, shall be the President, the Delegations with their Secretaries, the Secretary General, the Secretaries of the Sessions, and the interpreters and stenographers of the Conference. The President, or Vice-President acting as President, shall take the necessary measures to carry out this provision.

Art. 22. The sessions of the Pan-American Conference shall be divided into two periods: during the first period all the reports already prepared and presented by the Delegations shall be read, as well as the propositions submitted by the Delegates that may be taken into consideration by vote of the Conference. The reports submitted by the Delegations, as well as the resolutions presented, shall be referred to the proper Committee for their consideration and to report thereon.

Art. 23. Upon the reading of the papers and the propositions referred to in the foregoing article, the first period of sessions shall terminate, and thereupon a sufficient time shall elapse in order that the Committees of the Conference may confer. There shall take place during that period the excursions and visits which a special program shall specify.

Art. 24. The second period of sessions shall begin upon proper notice given by the President of the Conference, on the date he may name, and shall end when the debate on the reports submitted to the Committees shall have concluded.

Art. 25. When the Regulations of the Conference shall have been approved, there shall be elected, from among the Delegates, by Delegations and by secret ballot:

1st. A permanent President of the Conference.

2nd. Two Vice-Presidents, to preside in the order of their appointments during the absence or inability of the permanent President.

The ballots having been counted the President *pro tem.* shall cease in the performance of his duties.

Art. 26. The day before the closing of the second period of sessions, there shall take place the discussion and approval of the minutes, written and print-

ed, in Spanish, English and Portuguese, wherein shall be set forth the resolutions or recommendations that the Conference may have discussed and approved during its debates.

Art. 27. The last session of the second period shall be the closing session of the Conference, and shall be presided by the Secretary of State and of the Department of Foreign Relations, who, after delivering an appropriate address, shall declare that the sessions of the Second American International Conference have come to an end.

Art. 28. Thereupon the other excursions and visits, within the national territory, shall take place, in conformity with the special programme prepared for that purpose.

Mexico, October 1901.—*The Mexican Delegation.*

SESSION OF THE 23rd OF OCTOBER 1901.

*His Excellency the President, Mr. Raigosa.*—The Conference will take up the order of the day. The Secretary will read the Project of Regulations offered by the Mexican Delegation.

*His Excellency Mr. Martinez Silva, Delegate from Colombia.*—I request the Chair to please order that the reading of the Regulations be dispensed with, as they are already printed and now before us.

*His Excellency the President, Mr. Raigosa.*—Messrs. Delegates: By virtue of the motion which the Honorable Delegate from Colombia has just made, that the reading of the Regulations be dispensed with, the Chair considers it his duty to suspend the discussion for a subsequent session, in order that the Delegates may have sufficient time to thoroughly acquaint themselves with its provisions, and so that in a matter of such great importance the Conference may not act hastily. For this reason, I request the Delegates to assemble day after tomorrow at three p. m., for the special purpose of discussing the project of the Regulations, which ought to have been read at this session.

SESSION OF THE 25th OF OCTOBER, 1901.

*Secretary Duret.*—The project of the Regulations presented by the Mexican Delegation, which will be read, is now under discussion.

*His Excellency Mr. Corea, Delegate from Nicaragua.*—The Delegation from Colombia proposed day before yesterday, that the reading of the Regulations be dispensed with, on account of their being already printed and could therefore be read by all; consequently I request, that the reading be dispensed with, in order to gain time.

*Secretary General Casaus.*—In accordance with the request of the Honorable Delegate from Nicaragua, I ask the Conference, whether the reading of the project of the Regulations be dispensed with? It is dispensed with.

*His Excellency Mr. Davis.*—Speaking in the name of the Delegation of the United States, I believe, that in order to expedite the work of the Conference and decide promptly upon it, it would be better to consider each chapter separately.

If, then, the Delegates from Argentina or Chili desire to offer any modification, why can they not do so by following our suggestion, that is, discuss chapter by chapter, in order to facilitate the task of the Conference?

*His Excellency Mr. Martinez Silva, Delegate from*

*Colombia.*—I intended to propose the same thing, that is, that we discuss chapter by chapter, or article by article, as the case may be.

*Secretary General Casaus.*—In accordance with the request of His Excellency the Delegate from the United States, does the Conference agree, that the Regulations be discussed by separate chapters? In this manner it is now placed under discussion.

*His Excellency Mr. Duarte Percira, Delegate from Brazil.*—I would propose, because I believe it to be more convenient, that each chapter be discussed separately.

*Secretary Duret.*—Chapter I of the Regulations is under discussion. Nobody has asked to take the floor. Chapter I of the proposed Regulations is approved. Chapter II of the Regulations is under discussion.

*His Excellency Mr. Bermejo, Delegate from the Argentine Republic.*—I believe, Mr. President, that the number of Committees is very limited. It would be advisable, for a better distribution, to establish in paragraph 1st. of article 2nd., two different committees: one on Arbitration and the other on Court of Claims. In the second paragraph the Committee on Agriculture, Industry and Commerce could also be divided into as many different committees. The advantage would simply be this: by dividing the work the labors would become easier and a larger number of persons would contribute with their knowledge to the consideration of matters.

*His Excellency Mr. Davis.*—I believe, after having consulted with some Delegates and with the Mexican Delegation, that the proposed Regulations could be amended by making the following substitution. «Resolved: That a committee of seven members be appointed by the President, whose duty it shall be to designate and report to the Conference, as early as practicable, such committees as in its judgment should be appointed to facilitate the business of the Conference, and the number of members which each committee shall have, except that each Republic shall name one Delegate to serve on the Committee on Arbitration.» I believe that such substitution would facilitate the labors of the Conference, and I hope it will be unanimously approved.

*His Excellency the President.*—Does the Honorable Delegate from the Argentine Republic desire to draw up in writing his proposition?

Secretary Duret read the proposition of Mr. Davis, President of the North American Delegation.

*His Excellency Mr. Bermejo.*—Mr. President: It seems to me that the suggestion made by the Honorable Representative of the United States in his proposition, is also contained in mine. The appointment of such Committee will result, in my opinion, in a more specific division of the matters to be discussed in this Conference.

*Secretary Duret.*—The proposition of the North American Delegation is under discussion.

*His Excellency Mr. Matte, Delegate from Chili.*—Mr. President: I had the opportunity, of knowing outside of the Conference, the authorized opinion of His Excellency the Delegate from the United States on the above mentioned proposition, which opinion I at once considered justified and wise. I think that in as large a Conference as this is, it would be difficult to arrange details of the character referred to, as they can more properly be considered by a committee than by a large Conference. I therefore believe that the

proposition just submitted by the Delegate from the United States is very proper and practicable.

*His Excellency Mr. Hygino Duarte Pereyra, Delegate from Brazil.*—Mr. President: I think that three committees are sufficient to examine and consider all the business contained in the program of the Conference, such as are proposed in article 2 of the Regulations, now under discussion; provided, however, that the authority of said committees be extended in such a way that the subjects to be considered be systematically distributed among them. In this case, it seems to me, article 2 need not be objected to. But the powers of the Committees are very limited; thus for instance, the first Committee, called Committee on Arbitration and Court of Claims, is only authorized to consider matters relating directly to arbitration and claims. It is probable that new questions may be brought up and that propositions on International Public Law or International Private Law be submitted, and if so, to what committee will the consideration of those judicial matters be referred? I think that in such case no other would be more competent than the Committee on Arbitration and Court of Claims. I understand that if such matters were not within its powers, special committees would be appointed.

The second Committee on Agriculture, Industry and Commerce leads to the same consideration. It may possibly happen that the Conference will take up matters not relating to either agriculture or industry for instance international commerce, means of communication, consular invoices, sanitary regulations, etc., and such economical or financial matters cannot, according to the Regulations, be within the power or jurisdiction of the Committee. Such deficiencies could easily be avoided by means of the amendment which I will have the pleasure of submitting.

With regard to article 7, I also note that it is too restrictive. It reads as follows: «The Committee may be divided into sub-committees for especial matters.»

The text of the above article is too limited, because it confines itself only to authorize the committees to be divided into sub-committees, without granting them the right to organize themselves by appointing their Presidents and Secretaries and determine the order of their labors. This has lead me to offer an amendment to said Article, which I beg the Secretary to read.

*Secretary Macedo.*—The propositions submitted by His Excellency the Delegate from Brazil, read as follows:

«In article 2, after the words *Court of Claims* there shall be added *and judicial matters*»

«In the same article instead of the words «Agriculture, Industry and Commerce,» it shall read: «Economic, financial and administrative matters.»

«Article 7 shall read as follows: «The members of the Committees shall elect their presidents, appoint their secretaries and will regulate the order of their labors, and such committees may be divided into sub-committees for special matters.»

*His Excellency Mr. Lazo Arriaga, Delegate from Guatemala.*—Mr. President: I believe that the proposition of the chief of the Delegations of the United States is not in any way in opposition with that of the Honorable Representative from Brazil. The proposition made by the American Delegations of ap-



pointing a committee to consider this matter, is comprehensive enough, and the Honorable Representative from Brazil may submit his remarks to the members of that committee who will decide which are acceptable, and which not; my opinion is, therefore, that we ought to approve the proposition of the Honorable Mr. Davis.

*Secretary Duret.*—As no one has asked for the floor, the propositions of His Excellency Mr. Davis is put to the vote, by Delegations.

*His Excellency Mr. Lazo Arriaga.*—And what shall we do with the chapter of the Regulations which was under discussion? I think it ought to be put first to the vote.

*His Excellency General Secretary Casasis.*—The Mexican Delegation, as stated by Mr. Davis, has agreed to withdraw all the articles of the Regulations which are naturally to be substituted on account of the above proposition. Permit me, however, to call the attention of the Conference to the fact that as articles 7 and 5 are not in contradiction with the precepts of the North-American proposition, those articles shall be discussed after the North-American proposition has been voted on.

*Secretary Duret.*—It is asked whether the proposition of the American Delegation will be approved by Delegations.

*His Excellency Mr. Davis.*—In case no objection is made to it, can it be said that it is unanimously accepted?

*Secretary Duret.*—It is approved by all the Delegation with the exception of one vote against it.

*Secretary Macedo.*—As the proposition of the North-American Delegation, substituting from 2 to 6 of the proposed Regulations of the Mexican Delegation has been approved, discussion on articles 7 and 6 will continue.

The proposition of the Delegate from Brazil is as follows: «Article 7 shall read as follows: The Committees shall elect their presidents, appoint their secretaries and will regulate the order of their labors; and such committees may be divided into sub-committees for special matters.»

By order of the Chair the Mexican Delegation is requested to state whether it accepts the amendment proposed by the Honorable Delegate from Brazil.

*His Excellency Mr. Pineda, Delegate from Mexico.*—Messrs. Delegates: Although the propositions made by the Honorable Delegate from Brazil may be of some importance in the organization of the committees of this Conference, it seems clear to us that, as the proposition of the Honorable Mr. Davis, President of the North-American Delegation, has been approved, such proposition embraces the whole organization of the committees. The committee to be appointed will decide, after a better and more careful consideration, the best course to be adopted in the case.

Therefore, our understanding is that said article 7 is included in the proposition of Mr. Davis, and that, from Chapter II. under discussion, only article 8 remains to be discussed; because it contains a provision entirely different and independent from the others included in said Chapter, and which relate to the organization of the Conference.

The Mexican Delegation based on such considerations cannot accept the propositions or suggestions of the Honorable Delegate from Brazil; that is to say, it does not second them.

*His Excellency Secretary General Casasis.*—The Secretary understands the remarks made by the Honorable Mr. Pineda to mean that the Mexican Delegation asks leave to withdraw articles 7 and 8 from the discussion, in order to submit them afterwards to the Conference, with such amendments as it may deem advisable.

If the Honorable Delegate from Mexico has no objection, the Secretary will consult the Conference if the Mexican Delegation is allowed to withdraw the two final articles of Chapter II of the proposed Regulations.

*His Excellency Mr. Duarte Pereira.*—As the proposition of the American Delegation has already been approved, I consider that the amendment submitted by me is out of place, since I considered the matter from a point of view entirely different from that of the Hon. Mr. Davis. I proposed amendments tending to give authority to the committees, in order that they may deal with all matters contained in the program; therefore, as the proposition of the American Delegation has been approved and as there is no further reason why that submitted by me should persist I beg the Conference to allow me to withdraw it.

*His Excellency Mr. Pineda.*—Mr. President: The Mexican Delegation understands that the proposition of the Honorable Mr. Davis took the place of articles 2 to 7, inclusive, of Chapter II, of the Regulations, under discussion; therefore, this Delegation thinks that only article 8 of Chapter II remains to be discussed because said article, as I said before, has a different and independent meaning from the others.

The Secretaries may carry on this discussion in the best parliamentary form or according to the rules established by them, and in order to better expedite their labors the Delegation leaves the matter to the discretion of the Chair. With regard to the Honorable Delegate from Brazil, we must repeat our ideas, because, in my opinion, they have not been thoroughly understood by the Honorable Delegate from Brazil, perhaps on account of the difference in language.

We believe that his suggestions are very proper and opportune and that they can be of great service to the General Committee to be appointed, so that it may in turn propose the organization and appointment of the committees; but we believe at the same time that if the proposition of the Honorable Mr. Duarte Pereira were to be taken into consideration, the work would be useless, since it has been decided to appoint what in our parliamentary system is called «a Committee on the whole» will propose the final organization of the Conference.

*His Excellency Secretary General Casasis.*—The Secretaries have not desired nor wished to interpret the intentions of each of the Delegations they have only endeavored to understand them so as to respect them.

In view of the statements made by the Honorable Delegate from Mexico, the Chair considers that article 7 is withdrawn and that discussion must continue only with regard to article 8.

*His Excellency Mr. Martinez Silva.*—I take the liberty to call attention, with due respect, to the inconveniences that the above article may give rise to; because, if all Delegates are to be present during the deliberations of the committees, it is very likely that each of said committees will become a Conference, a regular Congress; and this will interfere

with the labors of the committee which is supposed to undertake them in a most quiet and careful manner. My opinion is, therefore, that said article ought to be amended. Committees take matters first into consideration and afterwards bring their reports before the Conference.

*His Excellency Mr. Chavero, Delegate from Mexico.*—The intention of the Mexican Delegation was that each one of the members of this Conference should have the right to be present during the discussion of matters by the Committees. A similar article is in existence in the Regulations of the Congress of the Mexican Republic, and has the advantage that all the members of Parliament can enlighten the committees with their ideas.

I would not see any objection to all the members of this Conference being present when some important matter is taken under consideration by any committee; they would bring their contingent; the committee's work would be already prepared, and discussion would be carried more calmly thoughtfully and intelligently among the members of the Conference.

I repeat that I do not see any difficulty in this; I rather see advantages; but the Mexican Delegation on this point, as in all others, shall submit to the decision of the Conference.

*His Excellency President Raigosa.*—Is there any of the honorable Delegates who wishes to speak regarding the article under discussion?

*Secretary Macedo.*—No one has requested the floor.—The Conference is asked whether article 8 is approved.—Approved.

*Secretary Macedo.*—Chapter III is under discussion.

*His Excellency Mr. Lazo Arriaga, Delegate from Guatemala.*—Mr. President: I would like to know the opinion of the Mexican Delegation on this point: will it be advisable to proceed at once with the discussion of the next articles of the Regulations, or will it be preferable to proceed with the appointment of the Committee proposed by the Delegation of the United States?

The Delegation of Guatemala states in advance that it will not oppose the procedure whatever be suggested by the Mexican Delegation; but its desire is that we do not adjourn before the appointment of the above mentioned Committee is made, so as to facilitate the labors of the Conference.

*His Excellency the Secretary General, Mr. Casasis.*—The Chair is pleased to inform His Excellency the Delegate from Guatemala that, in accordance with clause IV of the order of the day, which has been distributed among the honorable Delegates, the appointment referred to shall be made after the approval of the Regulations. Accordingly, as soon as the discussion of the Regulations comes to an end and the votes are taken, the appointment alluded to by the Honorable Delegate from Guatemala will be made, if there remain sufficient time for the purpose.

*His Excellency Mr. Lazo Arriaga.*—The explanation of the Honorable Secretary would be entirely satisfactory to me were the discussion of the Regulations finished this afternoon. In this case the point I alluded to would be included in the 4th clause of the order of the day; but in the event of the discussion of the Regulations being prolonged and this session adjourned without the Regulations having been approved, it would be my desire that the ses-

sion should not terminate until the appointment of the Committee proposed by the American Delegation were made.

*His Excellency the General Secretary Casasis.*—The Chair instructs me to state to the Conference, that if the time is not sufficient to end the discussion of the Regulations, the Committee to which the Honorable Delegate from Guatemala refers, will be appointed.

*Secretary Macedo.*—The discussion on Chapter III of the Regulations will be continued.

*His Excellency Mr. Chavero.*—The Mexican Delegation asks permission to substitute Art. 10 of the project by the following:

«The sessions shall commence at 10 a. m., except on special occasions, in which the Chair should otherwise decide, and they shall not exceed three hours.»

The reason which we have had for proposing this modification, is the following: several of the Delegates have approached us, requesting that the sessions be held in the morning, because in the afternoon they have to comply with their social duties, which it is the custom in Mexico to fulfil in those hours of the day; besides, there is another reason, and that is, that the secretaries will have more time to prepare the minutes of the sessions, so as to have them ready printed the day following each session; and, finally, we, of the Mexican Delegation, have another consideration to bring before the Conference: almost all of us are members of Congress, which is in session at present and we cannot be in the two places at the same time if we desire to duly comply with our obligations.

*His Excellency Mr. Bermejo.*—Mr. President: I also differ with the text of arts. 9 and 10. It seems to me that we will be able to shorten our work considerably, by adopting the proposition of the Chairman of the Delegation of the United States, Mr. Davis. I will state why. It is true that the Mexican Delegation has carefully prepared this work; but we all come from such different places, we have parliamentary customs so different, that the rules of the debates are not the same in one parliament as in other. Hence, I believe that the Committee which is to be appointed, according to the proposition of the Delegation of the United States, could take all these facts of the case in consideration, and make its report regarding said rules.

The Mexican Delegation itself already encounters difficulties in accomplishing its project, since, as they state, its provisions are incompatible with their duties in the House of Deputies, and that they desire to comply with all their obligations.

This chapter being then referred to that Committee for its examination, it could harmonize all ideas, and could then submit to us a report which might prevent a prolonged discussion. For this reason I take the liberty to make these suggestions.

*His Excellency Walker Martinez, Delegate from Chili.*—Mr. President: I second the suggestion which the Honorable Delegate from Argentina has just made. I believe that it is extremely practical not only for the reasons, which he has stated, of making our proceedings uniform, as we all come from different countries, but also because it shortens our labors.

The Delegation of Chili, for instance, had two suggestions, to make today; no new ideas, but ideas intended to re-establish several principles contained in the Regulations of the First Pan-American Conference, and for that purpose had drafted its proposition, asking that in the Regulations several articles and