

which I shall make known to the Conference be first put under discussion. The final part of Art. 17 provided: «Whenever by reason of abstention from voting, an absolute majority of the Delegates present should be lacking, the matter should be again considered at a subsequent session.» The Honorable Delegate from Hayti asked: If no decision is reached at that subsequent session, what will then happen? and to that question the proposition of His Excellency Mr. Alvarez Calderón replied in the following manner: «If at the following session the same or other delegations should abstain from voting, they shall be considered as if they were present, for the purpose of computing the *quorum*, and the vote on the postponed business shall be proceeded with by the other delegations present, a majority of whom shall decide the question.»

As I have said, the Mexican Delegation had the honor to meet some of the others, and it was agreed to accept the proposition of the Peruvian Delegation in substance, wording the article more simply in the following form: «And if at that session, that is to say, at the subsequent session when the matter is considered, the abstentions from voting should continue, the question shall be decided by majority of the nations who may vote.» This wording, in comparison with that given by the Peruvian Delegation, presents this single difference, that in its second part the question of the *quorum*, which already was decided in the first part of art. 17, was omitted for that reason it was not necessary to touch that point when it is a question of voting.

I request therefore, Mr. President, that the amendment which the Mexican Delegation has the honor to offer, be presented in that form and if it should meet with the approval of the Conference, that art. 18 be put under discussion.

*Secretary Duret.*—The amendment to art. 37 reads: «And if the abstentions should continue in that session, the question shall be decided by the majority of the delegations voting therein.» The amendment offered by the Mexican Delegation to art. 17 of the Regulations is now under discussion.

*His Excellency Mr. Leger, Delegate from Hayti.*—I believe, Mr. President, that the acceptance of this article is perhaps objectionable and even dangerous. There are only nineteen delegations and ten form a majority. If out of these nineteen, ten should abstain from voting, five would form a majority. This cannot be approved. I believe that this is a dangerous proposition, and I desire that it be carefully considered.

If an absolute majority of votes is not cast, that is, in parliamentary debates, it signifies that the motion has not been adopted.

*His Excellency Mr. Macedo.*—The remarks of the Delegate from Hayti, referring to the extreme case of ten abstentions, appear to have an irresistible force, so irresistible, that if matters reach that crisis evidently there will be no Conference. The amendment to art. 17 has not been proposed for such cases, but for those, when, for instance, nineteen delegations being present, there should be seven abstentions, which would leave twelve delegations present; six or seven of which could vote. This may be considered as a typical case of abstentions, because, evidently, if they were to reach a number, that would amount to a majority of the nations represented in the Conference, this latter would not continue to exist.

*His Excellency Mr. Alzamora, Delegate from Peru.*—I desire to add an observation to the very proper ones which His Excellency Mr. Macedo has just stated.

The case appears to me to be perfectly impracticable. The Delegations that have been sent to this Congress in representation of their respective countries, have come to loyally deliberate and vote upon the different questions that are to be submitted to the Congress; and consequently it is not possible to suppose, that in an assembly of nineteen delegations, ten might abstain from voting. Abstentions can only occur for very special reasons; this we have seen the other day. A subject was presented, in which Venezuela and Colombia were directly interested, and this caused two abstentions. A resolution was adopted by reason of the Regulations not yet being approved, which gave rise to the Chilean Delegation saying that the proceedings of the Congress were null; and finally, Mr. Leger, for personal reasons, also abstained from voting. As may be seen from the foregoing, all these abstentions occurred owing to special circumstances. I do not believe, therefore, that the case will ever happen, when ten delegations will abstain from voting.

The other supposition that may be admitted, is the desire to obstruct the proceeding; a very improbable supposition, a case which can happen only, when the delegations that entertain it have no certainty of success. In this case, it is likewise impossible, that ten delegations should unite for the purpose of abstaining from voting; it is necessary that the delegations who abstain from voting, be in the minority. In this proposed case, the delegations who intend to obstruct, will all be present for that purpose, and the others, with the object of gaining their point; and as the obstructing nations will be in the minority, there will always be a majority which will be represented in the Conference. Consequently it seems to me to be unquestionable that there exists a way to obtain a decision in this case, and it should be that suggested by the Mexican Delegation, in harmony with the Delegation of Peru.

*His Excellency Mr. Carbo, Delegate from Ecuador.*—I consider the reasons advanced by the honorable delegate from Peru as very powerful ones, but I believe, that there is no objection to assuming the case, that the delegations abstaining from voting should be in the majority. Let us put the case, that out of the nineteen delegations ten might abstain from voting, what could we do? Shall the nine remaining ones decide the question, or should it be assumed that the other ten by abstaining from voting demonstrate thereby to the Conference, that they do not desire that the subject be considered? This, in my opinion, is not to be controverted.

For the same reason, if the Conference is assembled with two thirds of its representatives present, and seven delegations abstain from voting, this number constitutes a majority.

We must not put ourselves in an extreme case, which I believe will never occur, as the Delegate from Peru has observed; but we should place ourselves in the situation, which the Delegate from Hayti has assumed.

*His Excellency Mr. Cuestas, Delegate from Uruguay.*—I only desire to state that the remarks of the Delegate from Ecuador do not appear to me to be well founded, and for that reason, neither are those

of the honorable delegate from Hayti. I believe that abstentions, as well in the Parliament as in the Congresses, or in any deliberative body, constitute a proceeding, of which the minority avails itself, and I shall state why. When a majority does not wish that a given question be acted upon, it does not abstain from voting; it votes in the negative, and the question is not acted on. So that the reasons which the Delegate from Ecuador has just mentioned, do not appear to me to have the weight nor the scope which he thinks they have.

*His Excellency Mr. Carbo.*—I find the reasoning of the honorable Delegate from Uruguay very forcible; but the case may also present itself of a motion which the Conference may not wish to decide, because there are some things which cannot be voted upon. The case may also arise, when the Conference may want to postpone a matter, in order to resolve it afterwards, and this is a case of abstention.

*His Excellency Mr. Alzamora.*—I must say to Mr. Carbo, that his idea does not appear to me to be exact. Whenever a Congress does not desire to consider a matter, it votes that it be not taken in consideration, but it does not abstain from voting.

*Secretary Duret.*—The Conference is asked whether the amendment to Art. 17 is approved.

*His Excellency the President.*—It is approved.

*Secretary Duret.*—Art. 18 is now under discussion.

*His Excellency Mr. Macedo.*—I have the honor to ask the Conference to authorize the Mexican Delegation to substitute the article which has just been read, by the following, which appears simpler:

«Art. 18. At the conclusion of the session, the President shall announce to the Conference the business which is to be acted on at the next session; but the Conference may make the alterations which it may deem proper, be it regarding the hour of the session, or regarding the order in which the pending matters are to be discussed.»

I request the Conference to approve the foregoing.

*Secretary Duret.*—Art. 18 as amended is now under discussion.

*His Excellency Mr. Corea.*—I do not know whether we have already adopted something regarding the hour when the sessions have to commence. For this reason I desire that His Excellency Mr. Macedo please state, if the hour, to which Art. 18 refers, is for special sessions or for ordinary ones; because if it should be for the ordinary, there would be a contradiction, inasmuch as in the article the hour is already designated.

*His Excellency Mr. Macedo.*—I have the honor to reply to the question which the honorable Delegate from Nicaragua has just made, by stating, that if I am not mistaken, Art. 1 of Chapter III was adopted in these terms: «The sessions of the Conference shall be held on Monday, Wednesday and Friday of each week; they shall commence at 10 a. m., and their duration shall not exceed three hours. Besides, sessions shall be held on the days and at the hours which the Conference shall specially designate.»

Consequently, I think that the Conference can always change the hours of the sessions, as well for the ordinary as for the special ones.

It has therefore been the intention of the Mexican Delegation, as well of those that have had the kind-

ness to assist it in the labors which it has performed, to leave this point subject to the decision of the Conference, not only as regards the special ones but also of the ordinary ones, according to art. 1 already adopted. The Conference, approving the observations which some delegation may make, can change this hour for another. Furthermore, the Mexican Delegation has no objection to accept any correction which may be considered proper.

*Secretary Duret.*—It is asked if article 18 is approved.

*His Excellency the President.*—It is approved.

*Secretary Duret.*—Art. 19 is under discussion.—It is asked if said article is approved.

*His Excellency the President.*—It is approved.

*Secretary Duret.*—Art. 20 is under discussion.

*His Excellency Mr. Gil Fortul, Delegate from Venezuela.*—Mr. President: The Venezuelan Delegation would, once more, appeal to the Mexican Delegation in order to ask some explanations with regard to the text of this article.

A change is noticed between art. 21 of the first proposed Regulations and art. 20 of the present ones, according to the former, only the President, the Delegations with their Secretaries, the Secretary General, the Secretaries of the Sessions and the interpreters and stenographers of the Conference were to be admitted into the Hall of sessions.

According to the new proposed Regulations, the Directors of the International Bureau of American Republics shall also be admitted.

Now, the Venezuelan Delegation wishes to know why in that article the right has been given to the Directors of the Bureau of American Republics to attend the sessions of the Conference.

I reserve the right to make later some remarks regarding that article; but I must state at once that the Venezuelan Delegation has been surprised at that addition, on account of not having been aware that the Bureau of American Republics had any diplomatic representation in this Conference.

*His Excellency Mr. Macedo.*—«International Bureau of American Republics» is the official name of the bureau existing in Washington, which was organized by the First Conference held there in the year 1889-90, the expenses of which are paid by all the Nations represented at this Conference. This Bureau has been, so to speak, the link of union, the Central Bureau, in which all the Nations attending the Conference at Washington, were united and is, therefore, an office of this Conference. The intention, therefore, of the Mexican Delegation, in proposing that its Directors should attend these meetings, has been that said Directors may give, to the Delegates in case it is necessary and in view of the subject that may be discussed, all necessary information with regard to the matters to be discussed at the Conference.

Said Bureau has an office next to ours. I do not know whether Mr. Gil Fortoul is aware of this fact. The Mexican Delegation has had no other purpose than the one I have expressed, but has decided not to sustain this point if there is any objection to it or a good reason is found why the Directors of said Bureau, in their capacity, we might say, of employees of all the Nations herein represented, since they conduct an office the expenses of which are paid by all said Nations, should not attend the Conference.

*His Excellency Mr. Calvo, Delegate from Costa*



*Rica.*—It seems to me, Mr. President, that apart from the well supported arguments given by the Hon. Mr. Macedo, there is one that should also be taken into consideration, as very important.

For instance, we all know, privately, the excellent proposition that the Hon. Delegate Mr. Lazo Arriaga will submit to a Court of Claims. In that proposition, as in many others that we will submit later on, the Bureau of American Republics has functions that give its Director the right to attend the meetings of the Conference. He will not have the right to vote, but only be ready, as stated by Mr. Macedo, to supply any information that may be required.

*His Excellency Mr. Gil Fortoul.*—Mr. President: From the explanations that the Hon. Mr. Macedo has been kind enough to give us, it appears that the reason why the Directors of the International Bureau of American Republics are granted admittance to the sessions of the Conference, is to supply information to said Conference. This explanation of Mr. Macedo goes only to show that, as I have said before, the Bureau of American Republics has no diplomatic representation in the Conference: if said Bureau has been at the cities where these Conferences have held their sessions, it has been in order to be at the disposal of the Delegations from all the Republics, and to supply the information that they may require.

As the Bureau referred to has its quarters in the same building where we are, it is very easy for each Delegation to obtain the information it may require by itself, or through its Secretaries, as it may deem best. My Delegation insists and will insist on this point, and will go as far as to propose that this provision be suppressed from the article in discussion, relying on the argument that said Bureau has no diplomatic representation, and therefore cannot rightly attend the sessions of the Conference.

Regarding the remarks that the Hon. Delegate from Costa Rica has been kind enough to make, the Venezuelan Delegation cannot see what arguments support them. If there is a proposition as to the organization of a Court of Claims, which is not yet officially known to the Conference, and if the Bureau has some connection with that proposition, this will be simply in the future, as it has not yet been discussed, and we do not know yet what is the scope of that proposition.

I venture to predict that said proposition will give rise to serious and long discussions among the members of the Conference, and it is very likely that the majority will vote against it.

On the other hand, I would like to know who are the commercial Delegates and what is the object in allowing them to attend the sessions of the Conference.

*His Excellency Mr. Pepper, Delegate from the United States of America.*—I want to say one word to the Hon. Delegate from Venezuela in reference to the commercial Delegates or attachés. I do not know the number of persons who may have such a mission here, but the fact is that the United States has a commercial agent appointed by the President of our country. We have communicated this fact to some of the Delegates, and several of them have thought that he has the right to be admitted in the sessions, in view of his appointment. When the work of the Delegation from the United States was distributed, it was thought advisable to appoint as commercial attaché of the Delegation the person who now holds

that position instead of appointing another secretary. The President of the United States has entrusted him with such a mission, and this undoubtedly gives him the right to be among us, in order that he may perform his duties, and that he be considered, at least, as secretary of our Delegation. I do not intend to enter into a discussion with regard to the Bureau of American Republics and the admittance of the persons pertaining thereto, but simply make the above statement, in order that the position of the commercial attaché of the United States be known.

*His Excellency President Raigosa.*—The credential accrediting the Honorable Mr. Wilson, Director of the Commercial Museum of Philadelphia, as commercial attaché of the Delegation from the United States, was presented to me in my capacity of President *pro tem* of this Conference. The credential is duly in conformity with diplomatic usage signed by the President of the United States and countersigned by the Secretary of State. But, although there was no doubt whatever with regard to the authenticity of the credential, yet the doubt existed, as expressed to the Conference by Mr. Gil Fortoul, as to whether admittance to the sessions should be granted to persons not having any diplomatic representation, and as the President *pro tem* could not decide the point, it is left pending in order that the Conference may take it into consideration and decide it as it may deem proper.

In order not to refer to any special persons, the Mexican Delegation failed, purposely, to include in the Regulations the provision admitting the Commercial Delegate of the United States into the Hall of Sessions, but advised that this privilege be extended to other Commercial Delegates, provided that they are in the same conditions as the Delegate from the United States.

The President *pro tem* thinks, therefore, that the matter in question has been perfectly well stated by the Hon. Mr. Pepper; it is not intended that the Commercial Delegate may take a seat among the Delegates, nor that he may have the right to speak or vote, but simply to enjoy the right of being admitted into the Hall in the capacity of Secretary of the Delegation from the United States.

*His Excellency Mr. Gil Fortoul.*—In view of the very proper remarks just made by the Chair and the explanations previously made by my Honorable colleague Mr. Pepper, I withdraw all the remarks I had made with regard to the Commercial Delegates. The discussion on the International Bureau of American Republics is pending however, and the Venezuelan Delegation proposes at once that the part relating to said Bureau be suppressed from the article under discussion.

*His Excellency Mr. Calvo.*—It seems to me, Mr. President, that there is nothing more to be said after the reasons given by the Mexican Delegation, whereby is included the name of the Director of the Bureau of American Republics among those who may attend the sessions of the Conference. Beside the fact that the Director is not here to take part in the discussions, his presence in the sessions means nothing more than a distinction made to the Director of an office to the maintenance of which all the States represented in this Conference contribute.

The Bureau of American Republics is the keeper of the archives of this Conference; and not only this, but according to a proposition to be soon submitted

to this Assembly, said Bureau will be invested with new duties, apart from the very important ones it already has.

Furthermore, the Bureau of American Republics, which has not yet been developed as fully as all of us who have seen the advantages to be derived therefrom wish it, must have its duties and powers increased as much as possible, and we must endeavor to obtain from that office all that is good and important in favor of our countries, taking as a basis the objects for which it was created.

On the other hand, since it is desired that the American Conferences may take place at regular intervals and that the Bureau be in the main entrusted with the labors preparatory to said Conferences, I do not see any reason for preventing the attendance of the representative of said Bureau, to which we all contribute and in which we have so much interest.

*His Excellency Mr. Corea.*—I regret very much to take part in this discussion, which is occupying so much of our time: my object is to strengthen some of the arguments of my honorable colleague Mr. Calvo and the excellent observations made by His Excellency Mr. Macedo.

The Bureau of American Republics was created by the First International Conference with the object, in a certain way, of carrying into effect many of the resolutions adopted by that Conference.

There is not one single Delegation, I believe, that will wish that said Bureau be suppressed, but, on the contrary, that it be reorganized; and to that end, the Committee on committees has established a special commission to consider the matter. If this is so, and if that Bureau, as stated by the Hon. Mr. Calvo, is going to keep the archives of the Conference, assist in the labors of the same and give us information on several matters known to it, what reason is there to deprive its Director of admittance into the sessions especially since it is known that he has been in contact with the Representatives of the American Republics at Washington and is acquainted with our labors preliminary to and in preparation for this meeting? Is it only because he has no diplomatic representation?

I cannot see any reason why it should be established that necessarily only those with diplomatic representation may be admitted in the Hall, when it is within the power and scope of the Conference to admit all elements which may be useful to it.

*His Excellency Mr. Carbo.*—The Hon. Delegate from Venezuela rightly states that, only those with a diplomatic representation can be admitted to the Conference. This argument is indisputable; but the question here, Mr. President, is to receive among the members of the Conference an employe, the Director of the Bureau of American Republics. He is not invited in view of his diplomatic representation, because said Bureau is international and was created by the First Pan-American Conference. I cannot see, therefore, any objection to our admitting said Director, in order that he may give us information, as an employe of the Conference; and I am satisfied that the Hon. Mr. Gil Fortoul will have no objection in agreeing with our opinion in this respect.

*His Excellency Mr. Bello Codecido, Delegate from Chili.*—Mr. President: I simply want to support in a few words, the vote that the Delegation of Chili will cast in favor of the article in question, as drafted.

The Chilean Delegation thinks that the motives

which may determine the admission of certain employees to this Conference are those of general convenience and common advantage. Therefore, without considering the diplomatic representation which some employees may have, it must be taken into consideration that the cooperation of the Bureau is of the greatest utility and that its Director must be present in order that he may fully understand the true meaning of our resolutions and be able to present to the different committees, such information as they may require.

Taking into consideration, Mr. President, that the cooperation of the Bureau is indispensable and necessary, the Chilean Delegation is of the opinion that the Director of the Bureau of American Republics should attend the sessions.

*His Excellency Mr. Bermejo, Delegate from the Argentine Republic.*—Mr. President: In my opinion the whole discussion is due to the fact that no explanation is clearly made as to the part that the Delegates from the American Republics must take in the Conference, as such Delegates, and that which any other person who may wish to be present at the Conference will have.

In our discussion with the Mexican Delegation we fully debated this point: we discussed the article in question with the object of determining the character of the sessions of the Conference, but, if I am right, nothing was established with regard to those who would have the right to be admitted; we asked, in the first place, whether the sessions should be public or secret, and we said that they should neither be public nor secret; but that they should be private and that we would thus realize an advance in comparison with the Conference of Washington, which was secret, as well as that of The Hague.

If the sessions are private and not secret, why, then, do we not admit the press in the sessions? Simply because there is no room, and that is why it was established, in order to avoid wrong interpretations by the public or by the reporters of the press that the President should give a written statement of the matters discussed here.

Now, if the sessions are to be private and any one may attend them, there should be no objection in admitting to the sessions the chief of the Bureau of American Republics, the Commercial Delegates and anybody who can find room in the Hall; but if no provision has been made to freely admit the reporters, it has been because anybody could declare himself to be a reporter in order to attend the sessions of the Conference.

Then, in my opinion, the difficulty originates from having included in the article in question subjects entirely different, and this can be avoided by stating in said article that the deliberations of the Conference shall be private, although certain persons may be admitted at the sessions.

I think that the question depends on the text, and in order to avoid difficulties and to put in shape the idea I have suggested, I will put it in writing in the following terms: «Art. 2. The deliberations of the Conference shall be private, but the Director of the International Bureau of American Republics, the Commercial Delegates, etc., shall be allowed to attend the sessions. . . »; and continuing as it is in the original text.

*His Excellency Mr. Macedo.*—Mr. President: Permit me to call the attention of the Hon. Delegate