

Republics, shall have informed the Board of Directors of the International Bureau of said Republics, of its adherence to this recommendation, the aforesaid Board of Directors shall fix the date for the assembling of the Customs Congress, which shall be organized as it may decide, with the assistance or co-operation of the employees of said International Bureau; and its purpose and objects shall be to decide and pass upon all propositions which may be presented by the Delegates or by the Committees which may be appointed, and that, having due regard for the Custom House system of each country and the proper method of collecting customs dues, their investigations shall embrace the following subjects:

A.—Uniformity of regulations for the entry, despatch and clearance of the vessels engaged in international commerce.

B.—Uniformity and simplicity of customs formalities with regard to the manifests of vessels, wording of the same, and facts to be contained in the Consular Invoices, and Declarations to the Customs Houses.

C.—Simplicity and uniformity of Custom House formalities in the clearance of merchandise and baggage.

D.—Adequate means to establish a common nomenclature of products and merchandise of the American Republics, in Spanish, English, Portuguese and French.

1st. In order that it may become the basis for the statistical data of imports and exports in conformity with uniform models, and without interfering with the regulations which each country may have adopted for its own statistics; and

2nd. In order that, furnishing greater details and specifications, it be adopted in the tariffs and in the other customs laws of said countries, and that it may become the basis for the collection of the dues which each one of them may have established.

E.—Adoption of a simple and uniform system for declarations and the Custom House despatch of samples and merchandise transmitted in postal packages or parcels.

F.—To simplify and make uniform the Custom House formalities to which shall be subjected all merchandise or goods crossing only the territory of one country and destined for use or consumption to another, or various others, thus respecting the principle of free commercial transit on terrestrial or fluvial highways of the nations of America, without collecting duties or charges, others than those which may represent the just compensation for services rendered.

G.—Convenience of establishing for the assembling of future Customs Congresses at stated times.

H.—To deal with other matters pertaining to those herein mentioned, or which may be considered in a general way by the Customs Congress, as useful or proper to assist in the development of mercantile traffic.

I.—Organization of a permanent Customs Committee composed of individuals possessing technical and expert knowledge, and which as a dependency of the International Bureau of the American Republics, or in any other form which the said Congress may deem proper, be principally charged with the execution of the resolutions or decisions which it may have adopted, with the comparison and study of customs and tariff laws of the Nations of America, in order to suggest to the respective Governments, the issuance of laws and measures which, with re-

gard to Custom House formalities, may tend to simplify and to facilitate mercantile traffic.

Second. That in order to render useful and complete the study at the hands of the Customs Congress of the question referred to in Paragraph 'D' of the preceding recommendation, each one of the Governments of the American Republics shall cause to be studied, by the Bureau of Superior Administration of Custom Houses, the nomenclature or vocabulary formed by the International Bureau of said Republics, and that it shall send as rapidly as possible to the Advisory Board of said Bureau, its remarks, or the corrections which it may have thought proper to suggest to the said vocabulary.

Said International Bureau shall present to the Customs Congress, in the simplest and most complete form possible, the suggestions made by the Governments, and, in addition, a French translation of the nomenclature already published.

Hall of Sessions of the Second American International Conference, Mexico, December 19th, 1901. —(Signed.) *Cecilio Baez*.—*Manuel Alvarez Calderón*.—*Lorenzo Anadón*.—*Charles M. Pepper*.—*E. Guachalla*.—*Pablo Macedo*.—*Rafael Reyes*.—*Quintín Gutiérrez*.

SESSION OF THE 27TH. OF DECEMBER, 1901.

*Secretary Duret*.—The report of the Committee on Commerce and Reciprocity is under discussion, as a whole.

*His Excellency Mr. Matte, Delegate from Chili*.—Mr. President: The resolution which has been submitted to the consideration of the Conference involves a subject of great importance, such as the meeting of a Customs Congress which will undertake the adoption of methods agreeing with the laws of the different Republics of America. I think, therefore, that it would be advisable to put it in a more adequate form than that of a recommendation; and in conformity therewith, I ask that the Conference may provide, in a conclusive manner that a Congress shall meet in the United States, in order to adopt such rules as may be in accordance with commercial development in the American Republics.

My honorable colleague, Mr. Walker Martinez, had occasion to suggest to the Conference, when the treaty on trade marks was discussed, that instead of a simple recommendation, the report should be given the form of a convention; the Conference approved that suggestion and the report was sent back to the Committee, in order that it might amend it accordingly. Besides this precedent we have one established by the Conference at the discussion of the report of the Committee on International Law, on the formation of Codes, and on International Public and Private Law.

In the present case I do not ask that the report under discussion be sent back to the Committee; I only take the liberty of calling the attention of the distinguished Delegates who form said Committee, to the expediency of stating that the Conference has resolved that the Congress which will have under consideration Customs matters, shall meet in New York within a year, instead of only recommending to the Governments, etc., etc.

It seems to me that it is in our power to decide, in a conclusive manner, the meeting of this Congress, without it being necessary that a recommendation be made to the different Governments for the

consideration of the matter, because, in my opinion, it is a very important one.

The question here, Mr. President, is not only to regulate the customs methods in the different countries of America, but also to prepare the treaties of reciprocity which, in my opinion, must be the principal object of commercial relations.

It has been already decided, after a careful consideration of the subject, that it would not be possible to adopt one single tariff, since each of the Republics desires to maintain its particular custom-house duties, whether it be because some Nations wish to adopt a protective tariff, as has been done by the Government of the United States, in order to encourage their industry, or on account of the special financial conditions of each country. Therefore, there is not such a possibility; but it is possible to seek harmony, by entering into treaties of reciprocity and the preparation of these treaties could be made better than anywhere else, at a Custom-House Congress. There, Mr. President, on the other hand, the nomenclature proposed to the Conference by our distinguished colleague Mr. Buchanan would be prepared, and furthermore, that which in my opinion is of the greatest importance; the codification or compilation of all customs tariffs, so that each of the Republics may know where it can send its products and what are the difficulties to be met with at the different Custom-Houses.

In my opinion, one of the most useful legacies of this Congress would be to arrange for the organization of different technical congresses, to consider matters which undoubtedly cannot be properly decided by a Congress of Plenipotentiaries; and such a fact has already been proven by our resolution to the effect that a Congress shall be held in Washington to consider the Pan-American Railway.

I would therefore wish that this proposition, which is at present submitted merely as a recommendation, should have the form of a final resolution. I do not think that we would be acting beyond our powers, but, on the contrary, within them, in deciding that the continuation and completion of our labors should be achieved by technical congresses, which are the only ones which can carry into practice the suggestions made in this Conference.

For these considerations, Mr. President, and without offering any objection, I take the liberty of calling the attention of my honorable colleagues who sign the report, to the advisability of inserting the word «resolves» instead of «recommends.»

*His Excellency Mr. Lazo Arriaga, Delegate for Guatemala*.—This matter being under discussion as a whole, Mr. President, perhaps it may not be out of place to ask what the Committee understands by Executive Board, spoken of in the paragraph which says: «The moment that the majority and not less than said majority, of the Governments of the American Republics, shall have informed the Executive Board of the International Bureau, &c., &c.»

Does the Committee understand by Executive Board the present Executive Committee of the International Union of the American Republics? Or, does it understand, on the contrary, by Executive Board the reunion of all the representatives of the Republics of America in Washington, presided over by the Secretary of State? This is a point that it would be well to explain, so that we may know, in the discussion in detail, in what way to cast our vote.

*His Excellency Mr. Anadón, Delegate for the Argentine Republic*.—When this project was being considered, Mr. President, by the Committee on Commerce and Reciprocity, the intention of its members was that the recommendation concerning the definite organization to be given the International Bureau of American Republics should be treated with priority: the point was considered with the members of that Committee, and after it was known that it was proposed to present a project by which the Executive Board of the International Bureau of the American Republics was to be composed of the Diplomatic Corps resident in Washington, the report under discussion was terminated. I think this explanation will satisfy the Honorable Mr. Lazo Arriaga, and I think it needless to add more.

With regard to the remark made by the Honorable Mr. Matte, while he was speaking, we, the members of the Committee have exchanged ideas, and most of us entertain the same sentiments that he has manifested; we think it would be very well to give a more adequate form to the project, and to arrive at an agreement between the several Republics to the end that the Customs Congress may actually be held within one year, not being reduced to a simple recommendation.

Perhaps the better course would be, in order to give a more practical form to the idea, that there be suggested to the Committee the reforms that are to be introduced in the report, in accord with this variation. For the time being, a modification should be made in the preamble, and say: *it is resolved* in place of *recommended*, as well as to amend, in conformity with the foregoing, the part relative to the Executive Board, in consonance with the first amendment.

For the moment, and unless His Excellency Mr. Matte has formulated his proposition and wants to present it for discussion, I think this change would be for the best: that the report be voted on in general and then pass to the Committee, for its modification, in accord with the observations made.

*His Excellency Mr. Matte*.—I will say a few words only to render thanks for the kind reception that the Committee accords, through its distinguished President Mr. Anadón, to the remarks that I have had the honor to make to the Assembly. I had not prepared a proposition, because I was not sure that the Committee would accept the idea; but it seems to me that the form indicated by my distinguished colleague Mr. Anadón, avoids discussions and facilitates the transaction of this affair.

*His Excellency Mr. Calvo, Delegate for Costa Rica*.—I desire, Mr. President, that it be stated that the Committee on Reorganization of the Bureau of American Republics has had one meeting only, in which a sub-committee, was named to which I belong, and that neither directly nor by means of any of the other members of the Committee have I absolutely received notice that any action had been taken respecting the Board of the Union of the American Republics in the sense indicated by His Excellency Mr. Anadón.

*His Excellency Mr. Baez, Delegate for Paraguay*.—As President of the Committee on Commerce and Reciprocity, I was commissioned by it to ascertain from the Committee on Reorganization of the International Bureau of American Republics, the character of the new organization that was to be given



said Bureau. At that time, His Excellency Mr. Corea, Delegate for Nicaragua, was President of the Committee on Reorganization of the Bureau. I had an interview with him, and he stated to me verbally the organization that was to be given said International Bureau, having affirmed all that Mr. Anadon has just manifested. Then the Committee of Commerce and Reciprocity worded its report in the terms in which it is couched.

Therefore, Mr. Anadon has not said anything without foundation; he has stated what was communicated to us by the President of the Committee on Reorganization of the International Bureau of the American Republics. Surely His Excellency Mr. Calvo had no knowledge of it, because His Excellency Mr. Corea perhaps forgot to communicate it to him. We did not think it necessary to consult each one of the members of the Committee on Reorganization of the International Bureau, and so I addressed the President, Mr. Corea. These are the facts, and I suppose they are of no consequence.

*His Excellency Mr. Pepper, Delegate for the United States.*—Mr. President: I think the members of the Committee are in full sympathy with His Excellency Mr. Matte's suggestion; but it does not seem necessary that the report should be referred back to the Committee. We changed the rules last week so as to allow amendments to be proposed and acted on at the time, and if the amendment introduced by the Honorable Delegate from Chili is to be of any benefit, this would seem to be the occasion.

I have no question that His Excellency Mr. Macedo and the other gentlemen who drew the report can make these amendments as we go along, and discuss them in accord with the suggestions made, and in that way secure immediate action.

And the only other matter,—unless I misunderstood the Honorable Delegate from Chili,—was that he referred to treaties of reciprocity in connection with the report under discussion. Now, we do not understand that a technical congress of this kind would have any jurisdiction on that subject. It belongs, rather, to the political branch of the Governments. This is intended to be a technical congress, and not one in any way affecting the fiscal policies of the Governments.

*His Excellency Mr. Matte.*—I take the floor to answer the question that my distinguished friend and colleague, the Honorable Mr. Pepper, has asked me, with respect to the point relative to treaties of reciprocity. I have not understood that the Congress was charged with initiating them; what I have said is that there might be prepared, through the exchange of ideas among the several delegates, upon custom tariffs, etc., etc., what would facilitate later the task of Governments in this particular. I have not objected to the part of the project that tends, as the Honorable Mr. Pepper says, to make uniform the mechanism of the custom-houses; but in no manner to modify the tariffs. This has been said in the body and in the resolute part of the report.

Moreover, the precedents of the Conference have established that the project return to the Committee, when thus ordered by the Assembly, as was done in the matter relative to trade-marks, and this is the custom in every legislative body; that when there is necessity of preparing a draft, it be not made in the Assembly, because that would be impossible, but for this purpose it is necessary that the Confe-

rence should so resolve, in order not to interrupt the order of the debates.

*His Excellency Mr. Anadon.*—The Honorable Mr. Pepper stated that it was time to put in practice the modification of the Rules, which prohibits that any amendment whatsoever, proposed in the course of the discussion, pass again to the Committee originating the report.

My indication was due to the fear that there might be a slightly meditated amendment made; we all know what modifications are introduced in the course of debate; but His Excellency Mr. Macedo has seen fit to formulate modifications susceptible of being introduced into the project, in order to accommodate it to the indications of Mr. Matte. In the preamble, in place of «recommend» there will be inserted the word «resolve;» and in paragraph 2 of Article 1, the first lines will be suppressed to place it in consonance with the character of the resolution that the project will have. The said Article 1, will remain thus:

RESOLUTION.

*The Second International American Conference,* resolves:

First. That within one year from the date of the closing of the sessions of the Second International American Conference, there shall meet in the City of New York, United States of America, a Customs Congress, which shall be composed of one or more Delegates appointed by each of the Governments of the American Republics from among its Customs Officers, Consuls, Presidents or Members of Chambers of Commerce, prominent merchants or other persons, who possess technical or special knowledge in customs matters.

The Executive Board of the International Bureau of the American Republics, shall fix the date for the assembling of the said Customs Congress which shall organize as it may itself decide, with the co-operation of the employees of the said International Bureau; its purpose and object shall be to decide and pass upon all subjects that may be presented by its Delegates or Committees and having due regard for the Custom House system of each country and the proper collection of customs duties, its scope and work shall embrace the following subjects, etc., etc.

In addition, there will be a third article couched in the following terms:

Third: The ratification on the part of the American Republics of the acceptance of the above Resolutions, shall be communicated to the Board of Directors of the said International Bureau of Republics within six months from the date of the closing of this Conference.

That form would seem to fully satisfy the suggestion made by His Excellency Mr. Matte in the practical way desired.

*His Excellency President Raigosa.*—As the modifications proposed, accepting the ideas of the orators who have spoken during the present debate, do not affect the report as a whole, but refer only to the form of its articles, in order to proceed with regularity the Conference will be asked first if it approves the project in general; and later, upon discussing in detail each one of its articles, they will be submitted to a vote with the changes presented.

*Secretary Duret.*—The Conference is asked if it approves the report as a whole.

Approved by an unanimity of seventeen Delegations present.—With the changes proposed, the first paragraph of Article 1 is now under discussion. No one has the floor. The Conference is asked if it is approved. Approved by the same unanimity. The second paragraph of Article 1, with the amendment proposed is now under discussion.

*His Excellency Mr. Pepper.*—I do not care to go into the merits of this article, but inasmuch as we are making some changes, and the changes are necessary both in English and in Spanish, I have been requested by the United States Delegation to make a statement and ask the understanding of the Chair and the Conference regarding not simply the translation of this subject, but of all matters coming before the Congress. It has been the habit to approve the minutes and the United States Delegation has waived the reading in English. Our understanding is that the translation of these minutes is not the final revised form in which they will appear; that before the permanent publication of the proceedings of this Conference is made, the English translation will be revised, and it is especially important in matters of this kind, like reports of Committees, and which, in the course of events, will probably go to the Congress of the United States as the action of this Conference, that the translations should be most accurate. Because of the haste with which some of these translations are made, the United States Delegation has, therefore, felt that before the permanent work of the Conference is published, some such understanding should be had, so that where here and there the idea is not exactly conveyed in English, there will be the opportunity to correct it, and because this report is especially important, the United States Delegation thought it proper to make this statement now, and ask if it be the understanding of the Chair and the Conference that these English translations are subject to further revision.

*His Excellency the President,* (after the interpreter had rendered the preceding discourse).—Fearing that the interpreter may not have expressed clearly the ideas of the Honorable Mr. Pepper, I beg him to distinctly express if he refers to the amendments, which are the only ones now being debated, or if he refers in general to the translation of the minutes of the Conference, because the ruling of the Chair would be completely different in the two cases.

*His Excellency Mr. Pepper.*—Mr. President, I would say that it refers not simply to the matter under discussion. We simply take occasion, because this matter is important to call attention to it. The point is, as I understand it, whether we approve these acts in Spanish, or also in Spanish and English. Our understanding is that we approve them in Spanish, but that the translation in English is subject to such revision and modification before it is permanently embodied, as the record of the Conference, as the translators may find desirable. That is our idea. Of course in Spanish there is no question, but here and there occurs a phrase in English, not simply in this matter, but in other cases, where, before the permanent publication is made, some changes, perhaps, should be made. That is the chief point. That we approve all these acts and matters in Spanish, but that the approval is not final as to the English, because the Committee on Style and Engrossing will, I suppose, require some changes in English.

*His Excellency the President.*—I have to reply to

His Excellency that his observation should be made the subject of a special proposition, because it is introduced in a debate with which it has no connection. Moreover, His Excellency should recollect that the reason for translating the minutes of the Conference into English is that the Delegation of the United States may compare the translation with the Spanish text, and at the following session ask for the rectifications or modifications that may be judged necessary when this is once passed, it is understood that the minutes in both languages are already approved, and only by the express consent of the Conference can the matter again be taken up.

*His Excellency Mr. Pepper.*—I will say with the Chair's permission, that later the United States Delegation will offer a resolution on this matter, and what I have said is not intended to be criticism of the translator, but it is our desire that the permanent record shall be correct and perfect in English, as well as in Spanish. I will not take further time, but simply desire to call attention to the matter.

*Secretary Duret.*—No one has the floor. It is asked if the second paragraph of Article 1 with the amendment proposed is approved.

The vote having been taken, the same was approved by a unanimity of seventeen votes.

*Secretary Duret.*—Clauses A to I of Article 1 are now under discussion. No one has the floor. It is asked if they are approved.

*His Excellency Mr. Leger, Delegate for Hayti.*—Mr. President: Not understanding exactly the texts in Spanish and English, I reserve my final vote until such time as the final minutes of the Conference are presented in French.

The vote having been taken, same was approved by seventeen votes, Hayti reserving its vote.

*Secretary Duret.*—Article 2 is now under discussion. No one has the floor. It is asked if it is approved.

The vote having been taken, same was approved by a unanimity of seventeen votes.

*Secretary Duret.*—Article 3 is now under discussion. No one has the floor. It is asked if it is approved.

The vote having been taken, it was approved by a unanimity of the Delegations present.

*Secretary Duret.*—The Chair rules that the matter pass to the Committee on Engrossing.

SESSION OF JANUARY 22, 1902.

*Secretary Duret.*—In compliance with the resolution proposed by the Secretary and approved by the Conference in to-day's session, the Honorable Delegates are advised that the reports of the Engrossing Committee, on the Pan-American Railway, on the assembling of a Customs Congress in the City of New-York and on Sources of Production and Statistics, are placed at their disposal.

The said report on the assembling of a Customs Congress reads as follows:

*Committee on Engrossing.*—The undersigned have the honor to propose the following draft for the Resolution adopted on the Project submitted by the Committee on Commerce and Reciprocity.

The Second International American Conference having in consideration the Report of the Committee on Commerce and Reciprocity,

Resolves:

First. That within one year from the date of the closing of the sessions of the American International

1. See page 73.