

It is now the turn of the Congress of Mexico to speak.

Meanwhile, we have recorded the words of the Brazilian Delegate, Dr. de Souza Sa'Vianna, at the recent International Assembly of Montevideo:

"Either the Congress of Mexico must be a reality, a sincere and cordial manifestation of an earnest desire to affirm Peace, or its meeting must be prevented by all means."

Nor can the Pact of optional and discretionary Arbitration of The Hague, be invoked as a precedent, both because the status of the American States and their political and commercial relations differ from those of the European States, and because that solution was decided upon as a compromise tending to secure what was believed to be of the greatest importance for the preservation of Peace—the Court of Arbitration—an erroneous belief, as has been shown by two recent cases, between England and France, entrusted to the decision of Count Lambert, the Belgian Minister; to what is to be added the provision of Art. 19, which reserved to the signatory Powers the right to celebrate Treaties making Compulsory Arbitration extensive to all cases, as they might deem it convenient. (Frederick W. Holls. *The Peace Conference at The Hague*, page 230).

We ought, besides, to bear in mind what M. Léon Bourgeois, the president of the French Delegation said, when called upon to judge that work, in which he took such important participation; he expressed himself as follows:

"No doubt it will be observed that it would be possible to go further on by decreeing compulsory arbitration, the domain of which, at first restricted, was susceptible of an incalculable extension! But it will be remembered that the irreducible resistance of only one, paralyzed, in this point, all the united good wills. And placing in the scale, on one side the attained results, and on the other those which might have been attained, an impartial judge shall acknowledge that the former could not be effaced by the failure of vaster hopes." (Preface to Merignac's book *La Conférence Internationale de la Paix*.)

The Optional Arbitration of The Hague, then, does not constitute an authorized precedent, because it is neither the expression of the judicial doctrine, nor is it even the controlling opinion of the nations thereat represented.

The Minutes of the Examination Committee, to which the Third Committee of the Conference had entrusted the Report on this subject, leave no doubt about this fact.

After having been accepted at the sessions of June 3rd. and 7th., Compulsory Arbitration was abandoned, against the wishes of all the nations thereat represented, owing to the exigency of Dr. Zorn, whose country had granted enough by accepting the Permanent Court, in order that the unity which had so happily presided over the decisions of the Committee, till then, should not become interrupted.

For these reasons did Dr. Zorn's will prevail against the unanimous opinions of the other members of that Committee—M. Bourgeois, F. de Martens, Staal, Count Nigra, Holls, Sir Julian Pauncefote, Descamps, Asser, Van Karnebeck, Lammasch, Odier and Baron D'Estournelles.

§ 3. As to discriminate the divergences that may endanger the peace of States, in pending questions,

and in future questions, in order to make two distinct categories of them, and to apply to the latter the remedy of Arbitration, disqualifying it in everything relative to the former, is nothing but an anti-juridical theory, incompatible with the principles of Law and with the practical interests of the nations that it is desired to safeguard.

In the first place, there exists no precise criterion to clearly distinguish what is to be understood by pending questions, from those which may be called future or eventual, because the latter could easily be placed among the former by only tracing their origins—more or less remote—to the causes which produced them. Present, as Leibnitz said, is the child of Past, and the father of Future.

In the second place, if Arbitration be a just proceeding to save a difficulty, it does not lose that characteristic because it may be immediately utilized.

This distinction, besides, has not been explicitly excluded or desestimated by the Law itself, in virtue of which these Pan-American Conferences are convened. The Law of the United States Congress, dated the 24th. of May, 1888, empowered the President to convene a Conference of American Nations, with the purpose of taking into consideration:

"Seventh. An Agreement and a Recommendation in order that the respective Governments may adopt a definite plan of Arbitration for all questions, disputes and differences which may actually exist, or which may afterwards exist between them, so that all difficulties and disputes between said nations may be peaceably settled, thus avoiding wars."

Both the Washington Pan-American Conference and the Hague Peace Conference did acknowledge that the juridical appreciation ought to be the same, and did recommended Arbitration for controversies already existing and for those eventual, in the same condition.

§ 4. It is certain that none of the permanent causes of conflict, which keep the nations of the Old World under arms, can explain that the ruinous system of armed peace; the African colonization, for which the Berlin Congress endeavored to frame regulations; the revindications which France has been, and is, pining for; the reconstitution movement of nationalities; and the Eastern question, ought to be imitated by the New World.

But real difficulties spring up; menacing conflicts—in fine, pending questions, which the Second Pan-American Conference has to confront and to solve in a high spirit of justice, under penalty of absolutely frustrating one of its chief purposes.

Should this Conference, or any other, pretend to fulfil its legal mission and incline to peacefully arrange all difficulties, it must begin by placing its finger on the wound, if it desires to avoid imitating that doctor who, having been called to the bed-side of the sick man, tried to comfort and console him by promising him to heal his future ailments; not taking heed of those ills which actually torture its organism and seriously menace its existence.

Nor are nations convened, under penalty of the work to be undertaken being a total failure, without a high political thought, which, if it does not open new roads to the life of international relations, confirms at least the conquests achieved in civilization's field—which mean more morals, more peace and more justice.

Tolerance sprang from the First Congress of Nations, and with tolerance disappeared the religious wars, the excesses of which struck the conscience of Grotious, and dictated his protest registered in his immortal book *De jure belli ac pacis*; the system of the political equilibrium sprang from the Congress of Utrecht, tending to insure the life of States by avoiding that the irresistible prepotence of one could jeopardize the independence of others; the condemnation of slavery, and the liberty of navigation of international rivers, were the result of the Congress of Vienna. And, in our days, and before, our own eyes, the personification of absolute power and of armed force, the Czar of Russia, bowing before a higher power and a more potent force,—Right—promotes, at The Hague, the general disarmament, the compulsory arbitration the amplification of the Geneva Convention, making it extensive to naval wars, the general revision of war legislation, after having—at the St. Petersburg Convention in 1868, and at the Brussels Conference, in 1874—humanized licit hostilities, in order that nations, might make each other, during peace, the most possible good, and, during war, the least possible evil.

The First Pan-American Conference, held at Washington, was not unworthy of its predecessors, and it will suffice, for its being registered in History as a glorious achievement—both by the country that initiated it, and by those participating in it—to record the condemnation of the principle of conquest; the compulsory and ample arbitration, "that new *Magna Charta* which suppresses war," as Secrétaire Baine said; "the happiest and most hopeful incident in the history of the Western Hemisphere," according to the felicitous expression of President Harrison.

§ 5. The Argentine Republic had not waited for the adoption of Compulsory Arbitration, stipulated in the First Pan-American Conference, to have recourse to that peaceful means for the solution of disputes, being convinced that—as Washington remarked—Future belongs to those nations that, big or small, never deviate from the path of honor and justice.

All the multiple questions of territorial demarcations which, on assuming its sovereignty, were inherited by the colonial community, have been definitely decided and solved, without even having had recourse to violence: by means of equitable compromises, in some cases; by means of an impartial arbiter, in others.

The only difficulty not yet solved, relating to the technical boundary line in the Southern region of the Andes Cordillera, has been entrusted to the decision of the H. Britannic Majesty's Government, as per the provisions of Art. 2 of the Agreement entered into by Chili, on the 17th. of October, 1896, reading thus:

"Should divergences between the experts occur, on fixing—on the Andes Cordillera—the dividing landmarks to the South of parallel 26°, 52', 45"; and, on both Governments failing to come to a friendly understanding, said divergences shall be submitted to the decision of H. Britannic Majesty, who is hereby designated, by both contestant parties, to act as arbiter, being empowered to strictly apply, in such cases, the stipulations of the Treaty and Protocol, aforementioned, after the grounds have previously been surveyed by a Commission to be appointed by said arbiter."

It is only just to acknowledge that, in the half centennial proceedings of this Andean suit, from 1843, even in the midst of popular agitations excited by the long-standing controversy, the Governments of both countries never forgot the juridical American tradition, never losing sight of Arbitration, as if it were the beacon to save them from a wreck, while the storm was raging. This Arbitration was stipulated in the Treaty of August 30th., 1855; it was ratified in the Compromise of July 23rd., 1881; it was reaffirmed in the Convention of August 20th., 1888, and in the Explanatory Agreement of May 1st., 1893; and, finally, it was carried into practice giving it the concrete form of the appointing of an Arbiter, in the Resolution of Agreement of 1896.

Faithful to its traditional policy of never founding Right in Might, and of entrusting everything to the very force of Right, the Argentine Republic, after a protracted war which ended in the military occupation of Paraguay, nobly proclaimed: that victory gives no rights, and that, notwithstanding her allies had guaranteed her territorial dominion in the Chanco Boreal (Northern Chanco) down to Bahia Negra, on the right bank of Rio Paraguay, (Art. 10 of the Treaty of Alliance with Brazil and the Republic of Uruguay, of May 1st., 1865) she renounced in favor of her neighbor the whole zone comprised between that place and Rio Verde—23° 10' South latitude, and submitted to the decision of the President of the United States the remaining section of Chaco, as far as the Rio Pilcomayo, inclosing Villa Occidental. (Treaty of Arbitration with Paraguay, signed at Buenos Ayres on the 3rd. of February, 1876).

A similar pacific and conciliatory solution was given by the Republic to her old boundary question with Brazil, a question inherited from the respective metropolis of both countries, and which had kindled more than one bloody war between the crowns of Spain and Portugal.

The Treaty signed at Buenos Ayres on the 7th. of September, 1889, deferred to the arbitration of the President of the United States of America, the vexatious and long controversy, thus eliminating the only barrier opposed to the interchange of products, and of natural sympathies which existed between both peoples.

The boundary question with Bolivia remained; this question having arisen since the year 1825, when the erection of that State took place upon the territorial domain embraced by the four Intendencias of Upper Peru, an integral portion of the Vice-royalty of the River Plate. This question was, also, definitely settled through a Compromise, both friendly and equitable, in the Treaty signed at Buenos Ayres on the 10th. of May, 1889, and exchanged on the 10th. of March, 1893.

Finally, only one negotiation remained pending in order that the Republic might have her boundaries, on all sides, clearly and definitely determined. We refer to the Territory of la Puna de Atacama—at present the National Territory of Andes—transferred by Bolivia to the Argentine, in virtue of the Compromise stipulated in the Treaty referred to above.

In the Minutes, signed at Santiago (Chili) by the Plenipotentiaries of this Power and of the Argentine, "both Governments, being desirous of reach-

ing, an understanding on all the subjects which affect, or may affect, direct or indirectly, both countries, thus establishing in a complete, candid and friendly manner the relations which common glories impose upon them from the very moment of their political emancipation," have agreed:

"To celebrate, at the City of Buenos Ayres, a Conference with the purpose of fixing the boundary or dividing line between the parallels 23° and 26° 52' 45". South latitude, in compliance with the stipulation of Basis the first, of the Agreement dated the 17th. April, 1896."

The Conference was to be composed of ten Delegates—five designated by the Argentine Republic, and five by the Republic of Chili.

If, after three sessions, held by that Conference, the said line had not been drawn, that operation was to be entrusted to a Court of three Surveyors, this new Commission to be composed thus: one Argentine Delegate, one Chilian Delegate, and the Minister accredited, at the time, by the United States, near the Argentine Government.

We deem it useless to reproduce *in extenso* the Minutes of that Conference and those of the Court of Surveyors: the Honorable Delegates may read them, if they feel inclined to do so, in the Collection of Treaties of the Argentine Republic, which has been handed by us to the Secretary General of this Conference.

It only remains for us to add that the survey was definitely completed, as appears from the Minutes dated the 24th. March, 1889, by decision of the majority of the Court, composed of Hon. Mr. William I. Buchanan, Envoy Extraordinary and Minister Plenipotentiary from the United States of America, Mr. Jose Uriburu, Delegate from the Argentine Republic and Mr. Enrique McIver, Delegate from the Republic of Chili.

All preoccupation about foreign troubles being thus done away with, her interior peace consolidated, and Justice secured; without any exigencies to promote to the other Nations, nor any offences made to them for which to apologize, the Argentine Republic finds herself to-day in a condition to realize the valuable promises contained in the Preamble of her Constitution: to promote general welfare and to secure the benefit of liberty for her sons, for their posterity, and for all men of the wide World who may be willing to make their homes on Argentine soil.

As regards her Delegates to this Conference, they loyally fulfill the duty of declaring that, whichever may be the Resolutions adopted by it on Arbitration, and other matters of its programme, said Resolutions shall not affect their country's interests, nor shall they shake in the least her traditional policy of Peace, Justice and Fraternity.—(Applause).

SESSION OF DECEMBER 2, 1901.

*Speech of the Delegate from Paraguay, Mr. Cecilio Baez.*—Mrs. Delegates:—I begin my speech by reminding you of the principal object of this Second Pan-American Conference, plainly defined in the Circular Note of August 15, 1900, addressed by the Department of Foreign Affairs of Mexico, to the American Governments, inviting them to send their

representatives or Delegates to this Congress. Among other statements it contained the following:

"Notwithstanding that discouraging pessimistic ideas consider useless the endeavors towards the realization among mankind, of the reign of justice, and the proscription of force as a substitute of right it must be admitted that the constant assertion of sound theories and their official sanction by the Governments, through agreements or mutual declarations which bind them morally, although compulsory means do not exist to enforce them, will in the end establish such powerful sentiment that the most firmly rooted abuses will be destroyed thereby, as has been the case with slavery and other atrocities which seemed to be like inexpugnable bulwarks against reason and philosophy. And, indeed, in order to arrive at a common understanding and to sanction those agreements or at least prepare for their sanction, the only and most adequate means are the Conferences or Congresses where such matters can be thoroughly discussed; and at which all and every one of the Delegates, with equal rights, may defend their opinions and contribute with their knowledge and ideas to the general welfare."

In view thereof, the Delegation of Paraguay, although the least fit to express an authorized opinion on the subject, believes it its duty to give its opinion on the matter in reply to the exalted desires set forth in the notable document of the Mexican Department. We have, therefore, come to this Conference with a definite object; we have come to respond to the legitimate aspirations of civilized countries; to serve the cause of justice, and consequently the primordial interests of humanity.

As in this Conference only the Republics of America are represented, our deliberations must refer especially to the questions which concern them. We have come here to deliberate as to their future destinies, and therefore, to solve their pending problems. In every period of history there are always one or more great questions to be solved. Without going back to antiquity, we know that Europe has been convulsed by religious, political and social questions which were only solved by sanguinary wars. To this day the eastern question is a constant source of animosities and rivalries among the nations of the old world. And this phenomenon is easily explainable. The European Nations have inherited the immemorial antagonism between the so called Latin and Teutonic people, as well as all the old dynastic disputes which keep the embers of old animosities constantly smouldering.

Similar antagonisms do not exist and cannot exist among the Republics of America. Descended as they are from the same stock, rocked in their cradle by the same mother, having fought together for liberty and independence, and hastening towards a common destiny, they ought to constitute an international community, a single moral entity, united by sentiments of fraternity and solidarity of interests, like the Germanic family of which Tacitus writes; and regulated by the principles of justice in their mutual relations, so that not only may their union be efficacious and durable, but that they may devote themselves principally to the useful task of winning prosperity and respectability.

What, it may be asked, is lacking for the realization of this aspiration of all men of good will? To settle all questions, pending and future, between the

Republics of America by means of arbitration, in such manner that arbitration will become a binding principle for all. A question propounded is a question solved, said the old scholastics, and since this Conference has been convened for the purpose I have mentioned, I consider that we are under a moral obligation to settle the subject of arbitration which is the capital problem before us, involving as it does, the peace and the entire future of the Americas.

Great is the attention with which the civilized world is contemplating us. But still greater is the anxiety of America, to whom minutes are hours at this supreme psychological moment. As the tribes of Israel, having escaped from the bondage of Pharaoh, and having wandered over the desert in continual war with other nations, eagerly awaited the descent from Mount Sinai of the tablets of the law that were to put an end to their sufferings, so the Republics of this Continent, after many years of weary warring, are gazing intently on this moral imminence called the Pan-American Conference, eager to hear a soothing declaration as would be a promise of the reign of justice and consequently of the coming of a bountiful era of peace for all, like the balm to be poured on their wounds.

But I wish it to be understood, gentlemen, that in speaking of peace I do not refer to the peace of the grave, nor to the degrading peace of peoples slumbering with the opium of despotism, like the oriental nations, but to a peace based on respect for the rights of others, a peace achieved by justice and liberty.

That great benefactor of America, the illustrious Benito Juarez, had already enunciated the same principle, when, in one of his manifestos issued subsequently to the tragedy of Queretaro, he declared that "respect for the rights of others is peace," words which ought to have been inscribed in letters of gold in this Conference hall, just as the christian inscribes his creed on the sacred wood of the cross, the august symbol of the world's moral redemption and its hope for better things.

But, I am wrong! The Honorable Mexican Delegation has had the happy inspiration of emblazoning on the shield of Nations at the extremity of this hall these two words which sum up the principle enunciated: "Pax, Lex." That is to say: "Justice is Peace;" it is humanity; it is charity; it is the true human sense of the word. In the Bible we find already this apothegm; "Justitia et charitas osculate sunt."

Justice is a moral necessity, it is also a social necessity, like oxygen is an organic necessity. If justice were not the guiding principle of societies, liberty would be an empty name and progress and impossibility.

Human life is undoubtedly subject to strife as a condition of its existence; but strife is not that which proclaims the extermination of our species; it is not the war of all against all, for it is not true that man is a wolf for his fellow-man; but whose object is to perfect his moral feelings and procure for him the means to conquer nature, in order that, with his vigorous strength, he may give impulse to the triumphant chariot of progress.

To perfect the moral sentiments of an individual is to implant in his conscience the idea of duty, the idea of humanity, the feeling of justice which leads to peace and makes it possible, at the same time, to live in a community. To conquer nature is to make

use of her, to realize that moral need which is the only true and legitimate one that ought to encourage the human spirit.

That is why I say that the philosophers of war, from Hobbes to Hegel, either have not understood the real object of humanity, or if they did understand it, they have deliberately distorted it in favor of advantages of a different order; but which are not the true interests of universal civilization. As is well known one attempted to justify the absolutism of the Tudors and Stuarts in England, and the other longed to restore, by whatsoever means, the legendary Empire of the Othones, which resounded so loudly in the history of the middle ages, on the ground of a Providential mission supposed to have been assigned to the German race.

The partisans of strength confused the wars of civilization with those of barbarians. The former have their philosophy and it may be said their justification in history, while the latter cannot even present an apology. Isolation was the law of the ancients; and permanent hostility the feeling of the peoples, so much so that Romans had written in their famous Code of the twelve Tablets, "Adversus hostem aeterna auctoritas." Tusaustel de Coulanges and all the investigators of sociology looking into the life of the Ancient City, have demonstrated that the difference in religion was the cause of the social phenomenon. Therefore, only war could unite race with race which hated one another, both on account of the reason, above mentioned and the belief they had of a different origin, as was the case with the conquest of Rome, which in order to preserve its empire, had to issue letters of citizenship to the different deities of the people conquered by their invincible armies, forming with them the Universal Pantheon, the symbol of its political unity.

When Oriental barbarism, represented by Persians, threatened the cause of civilization in Europe, Philipo of Macedonia, the most profound politician of ancient times, conceived the plan of constituting a great state with the Greek cities in order to assist it, and launched his hosts into a war of conquest, which his son Alexander carried into the heart of Asia, with all the brilliant treasures of Greek culture; uniting in that manner, and for the first time, the occident with the orient, which up to that time had been divided by implacable hatreds.

Upon the death of the Macedonian conqueror, his civilizing work would have perished had it not been equally undertaken by the Romans who defeated the African barbarians on the plains of Zama, and carried the light of the Alexandrian beacon to the borders of the Euphrates, the cradle, doubtless, of the primitive civilization of humanity. It was thus, gentlemen, that the gates of the temple of Janus were closed forever, and thanks to it, literature shed its lustre again, art, commerce and industry prospered; and the high priests of justice, inspired in that sentiment of humanity, accredited by Stoicism, wrote that immortal code which the admiration of the middle centuries has persisted in calling the written reason.

Let us now pass to another period in order not to make this speech too lengthy, and let us now contemplate the conquests of the Great Napoleon. This extraordinary man who conquered occidental Europe, was indeed a powerful instrument of civilization in contemporaneous times. The French revolution