

took place in the name of justice, of humanity and of law, and no one as much as he lent to it such services, destroying the ramparts of despotism, and imposing with his guns and with his immortal codes, the redeeming ideas of the thinkers of his century and of the beginning of '89 which finally triumphed in Europe and in America before the middle of the last century. Napoleon, like Alexander of Macedonia, carried into Egypt the religion of savants who studied its monuments under the shelter of his victorious arms, deciphered its difficult writings, created new sciences, amplified the field of human knowledge, and lastly raised the veil of its hermetical science, revealing to the world the existence of civilization unknown up to that time, the origin of which dated from sixty centuries within the chaotic past of humanity.

If we then cast our looks towards our well-beloved America we will see Washington, at the head of a great people, securing for it its liberty; a Martin and a Bolivar at the head of valorous hosts flying as audacious condors from the mountains to the plains and from the plains to the mountains, so as to bring into life from opprobrious slavery nine Nationalities, which with Brazil constitute nowadays the ten stars of the beautiful sky of South America.

The same exhibition of grandeur may be seen in Central America and Mexico where Morelos and Hidalgo initiated the war of independence, which was afterwards consummated by their courageous sons, thus weaving with golden threads the web of their glorious history.

Such are the wars called of civilization and liberty. Human progress has been developed thereby just like the conditions of the planet in which we live, have been improved by the great geological evolutions. But together with these strifes for progress, there are wars that must be called barbarous, as are those declared on by one nation against another with the object of seizing from it a province or a territory which can be used to enlarge its boundaries, or which, containing precious stones or metals, will constitute an important item to increase its customs receipts. In the same line are all those wars prompted by some particular object of the offending nation, who as a rule, considers itself strong enough to attack a weaker one. Such kind of wars lead to barbarism, to retrocession, not only because they act in defiance of the laws of humanity, but also because they destroy the work of civilization, as was done by Vandalic peoples who travelled over Europe in ancient times, scattering everywhere desolation and death. Only the conquest of genius, science and justice, are legitimate and glorious because they are the only ones to bring forth universal progress.

It is useless, Messrs. Delegates, to confute the arguments of the right of force, because the moral conscience of civilized countries rejects it. The physical world is governed by a blind and unknown energy, which acts in a fatal and inflexible manner, and that is what is called force. But on the contrary, the moral world is governed by the principle of right, which reveals the enlightened reason, which is a reason conscious of itself; and in the same manner that the physical energy is the cause of the universal dynamism, so the principle of right, as a standard that governs all the human acts, is the same of the social evolution and of the juridical progress. Based on these principles, Ardigo said that justice is the specific force

of the social organism, and Lerminier has affirmed that justice is life. Let us suppress this moving principle in the social evolution and the whole edifice is destroyed. Cultured and civilized societies will then turn to the same primitive state of the human hordes, who acted by the sole impulse of brutality, to painfully begin again the arduous task of juridical and social progress.

We must therefore, work for the moral protection of humanity, which means to say to favor the process of making people intimately acquainted with their rights, so that the general welfare may be realized. The struggle for the right makes people great, while the wars of pillage degrades them. We, the Delegates of the countries represented at this Conference, are like the Deputies of France at the Constitutional Assembly of '89: the latter had written in their *cahiers* the offenses of the people, as well as the principles of justice on which society was to be re-organized; and we bring here the principles of harmony which, in accordance with our aspirations, are to constitute the International American Society, thanks to the generous initiative of two powerful Republics: The United States of America and the United States of Mexico.

The former Nation proclaims the Monroe Doctrine, according to which all the Latin-American Republics are guarded against European invasions under the protective wings of the Eagle of Potomac. This Doctrine has been persistently maintained by the American Government both theoretically and practically. The American Delegation has not ceased repeating the same declaration on all occasions. Its worthy President, Mr. Davis, said to us at the seventh session of the Conference. (Here insert annex No. 1.)

These statements have just been confirmed by Mr. Barrett, in an eloquent speech delivered at the Banquet of Chapultepec, on the evening of November 27th. last.

But, as the Monroe Doctrine means only defence against foreign attack, the Honorable Mexican Delegation has in its turn, proclaimed the Diaz Doctrine, as the doctrine for peace at home, in accordance with the terms of President Diaz's message read before the legislative houses in the year 1896. In the name of said Delegation Mr. Alfredo Chavero, has said to us that the Diaz Doctrine means that international American justice is based on peace founded on respect for the sovereignty, independence and territorial integrity of all and each of the Republics.

From the above declaration the following results can logically be inferred: First, that as peace can only be obtained by justice, it is necessary to create the ideal principle of arbitration as a real principle of legislation for the International American Society; and, Second, that in the law of arbitration must be included every case of conflict between Nations, both pending and future, excepting such questions relating to the essential attributes which constitute the political individuality of each country; for it is obvious to say that nobody can consent to have his own existence doubted. And the essential attributes of the national individuality are principally two: to-wit: one, physical; the territory which is its property; and moral, the other: its political independence.

The Delegation from Paraguay is pleased to declare that it accepts the Mexican Doctrine with the aforesaid principle of arbitration, as the ruling principle of international Society, and that it rejects the the so-called right of conquest, in accordance with

the declaration made by the First American Conference at Washington.

Arbitration is, besides a moral necessity, an economical necessity. The pending conflicts between the American States that make possible future wars, constitute a powerful obstacle to their development and welfare, since they prevent immigration and the investment of foreign capital, which are the impelling elements of American progress.

I trust, therefore, that the cause of peace will triumph in this Conference, either by its own prestige, or by its being patronized by the two Northern Republics which have asked and wished for this Second Meeting of the Pan-American Conference.

The principle is, furthermore, supported by the Argentine Republic, whose Honorable Delegation has been frank enough to declare that it supports arbitration in an obligatory and ample manner. The same principle is sanctioned by the political constitution of Venezuela, and by that of the United States of Brazil, for which reason its distinguished Delegate to the Scientific Spanish-American Congress of Montevideo, the illustrious jurist Mr. Sa Vianna, expressed in his speech that the principle of arbitration, if strictly carried out, must be obligatory and include all controversies of whatever kind they may be.

Finally, Messrs. Delegates, nothing will contribute more to arrive at an agreement than the good desires of all the Delegations and the spirit of equanimity in which they are inspired. Everything, therefore, contributes towards the success of the principle, of arbitration. And I think it is opportune to quote here the golden words of our worthy President Mr. Genaro Raigosa, who, in the name of his country, made this statement in the course of his brilliant speech delivered at Chapultepec: «The great book of the human evolution is open before you so you may inscribe in it one more victory in the glorification of justice, or else that you may add a crown of thorns to the martyrdom of justice.

One step farther than Europe took in 1899 will mean an everlasting honor to the Second International American Conference: one step backward will be a lamentable misfortune; but no! Such misfortune will never come, because neither the wisdom the good judgment, the willingness nor the patriotism of all and each of the Honorable Delegates to this great continental Congress will ever allow that the future Sun of human redemption that will rise over the lofty mountains to light the glorious day of the universal harmony and peace, may ever shine clearer and brighter than in America.

In order to realize these noble desires of the American people, there are no other means than those which can be found through a permanent Court possessing the right to arbitrate duly constituted by the Nations represented. Peace only when attained by justice, is effective and lasting. Armed peace, far from being a guarantee, is a menace to it, because it encourages the spirit of domination.

Indeed, as the growth of Nations is unequal, there is no uniformity of strength between them, and then exists the risk of territorial usurpations or the annexation of a small State by a larger one. This is just what has happened in Europe, and may perhaps happen in America in the future. In Europe, the Austrian rule was a dread on account of its

immense power; and it is known that Charles V cherished the idea of universal monarchy, causing conflicts everywhere. France resisted its prevailing power by bringing wars at different times, until the struggle ended with the famous treaties of Westphalia, which afforded a new basis for the rights of people. But, although the Austrian was subdued, the risk still existed because the France of Richelieu inherited its ambitions of domination, and enriched itself afterwards with the acquisition of new provinces under the reign of Luis XIV threatening the independence of small nations. When England realized that the French monarchy had taken the place of the Austrian it endeavored to put an obstacle to its pretensions, and it was then when the *Modus Vivendi*, called European Equilibrium was invented, which did not avoid new wars, but on the contrary created the establishment of permanent armies, which are the origin of so many social and financial calamities. This is due to the fact that the *European equilibrium* is simply a system of forces which are counter-balanced by each other, but which lack stability, because its disturbance depends on the mere desire of one of the parties to withdraw from that apparent equilibrium. Only justice can make a solid foundation for peace, because justice is the only principle on which human societies are organized.

We cannot doubt the good faith of the American Nations, nor the spirit of justice which prompts their reciprocal relations; but it is, nevertheless, necessary, to agree that material prosperity and power arouse the ambition of imperialism and the idea of domination, which sometimes leads to wars of conquest, especially when nations debilitate their force with civil wars. It was thus that the division of Polonia took place, and in the same way other countries have suffered painful mutilations, the cause of which has been everlasting rancors and conflicts between Nations.

In Europe the territorial independence and integrity of the small States is guaranteed by treaties entered into between the great powers, which may or may not respect them; the territorial independence and integrity of the American Republics must be protected by justice and not depend on fictitious alliances, or on the consent of their stronger sisters.

The aspiration of Europe is nowadays to depart from the compulsory regime in which it lives, as is proved by the attempt made at the Hague Conference, held by the initiative of the powerful Muscovite Empire. How the ideas of that continent have changed in less than a century! In 1815 the Great Powers assembled at the Congress of Vienna and amended at will the political map without consulting other Nations; and in 1899 even the Asian countries are convoked to the Hague Conference to deliberate on the peace of the world, the realization of which cannot be attained but by justice, only by justice!

It matters not that the results of that Conference may not have been those sought by the friends of peace; yet, the idea has been started, and this magnificent example furnished by a military power, such as Russia is, must be followed by America in order to solve the problem of arbitration,—its main question,—in a satisfactory manner to all aspirations and consistent with all interests; so that each Delegate,

when returning to his dear country, may say to his Government, upon presenting it the text of the Treaty: «Sir: Here is the palladium of peace and liberty of America.»—(Applause).

Secretary Macedo.—The Chair rules that the discourse of His Excellency Mr. Baez be translated into English, be printed and pass to the Committee on Arbitration.

To the anterior discourse, illusions were made by Their Excellencies Messrs. Matte, in the discussion upon the Pan-American Bank, Bermejo and Blest Gana, in the discussion upon Exchange of Publications, that took place in the same session.¹

Moreover, by reason of said discussion, His Excellency Mr. Leger, Delegate from Hayti, proposed an amendment to the Rules,² and His Excellency Mr. Walker Martinez pronounced in the same session (December 2), discourse; calling the attention of the Conference towards the precedent which will be established at this session, and he stated that in all parliaments there is an order of the day which fixes the labors, and determines what subjects are to be discussed, and if, in accordance with the precedent established this day, on some future occasion a speech be made on a matter not comprised in the order of the day, it will be impossible for discussion to take place among the members of the Conference. His Excellency Mr. Walker Martinez believes, that to speak on arbitration, when the matter is submitted for investigation to a committee, for the purpose of searching for a result which will harmonize the opposing ends, is to create difficulties for the work undertaken by the Committee; that on the other hand, we are not in the Conference neither friends nor enemies of arbitration, because all are friendly to it, with the only difference that all do not interpret it in the same manner, but that question shall be discussed at the proper time and season. He added that it is not proper, under pretext of supporting principles, to make bitter allusions to the policy of other countries, remarks which should not be permitted though they be couched in a literary form, because we all have, not only ears to hear what is said, but brains to understand what is meant. The speaker applauded the prudence and foresight of His Excellency Mr. Matte, the Delegate for Chili, a prudence and foresight that were confirmed by Mr. Bermejo when some time before he had explained his ideas at the time of discussing the proposition relating to the exchange of official publications.

Independently of the question of expediency, His Excellency Mr. Walker Martinez fears that, by hastening the discussion of matters submitted to the Conference, the Committee may be prevented from arriving at a determination, by rendering it difficult for the different members to give expression to their extreme views, in order to obtain a solution which will deserve a general approval.

The speaker concluded by stating that if an answer should be given to the speech of Mr. Baez, the assembly would be involved in the discussion of only one subject, and instead of studying other matters of great interest which occupy the Conference, it would give the world a bad example, by being dissolved before anything practical had been carried into effect.

Vide pages 84 & 133.
Vide page 65.

MINUTES and documents of the Arbitration Committee and Court of Arbitration.

FIRST DAY.

NOVEMBER 5, 1901.

In the City of México at 11.30 a. m. on the 5th. day of November 1901 the following members of the Committee on Arbitration assembled at the National Palace in the Hall of Sessions of the Second International American Conference:

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| <i>Argentina</i> | His Excellency Mr. Antonio Bermejo. |
| <i>Bolivia</i> | His Excellency Mr. Fernando E. Guachalla. |
| <i>Brazil</i> | His Excellency Mr. Jose Hygino Duarte Pereira. |
| <i>Colombia</i> | His Excellency Mr. Carlos Martinez Silva. |
| <i>Costa Rica</i> | His Excellency Mr. Joaquin Bernardo Silva. |
| <i>Chili</i> | His Excellency Mr. Alberto Blest Gana. |
| <i>Ecuador and the Dominican Republic</i> | His Excellency Mr. Luis Felipe Carbo. |
| <i>Salvador</i> | His Excellency Mr. Baltazar Estupinian. |
| <i>United States</i> | His Excellency Mr. William I. Buchanan. |
| <i>Guatemala</i> | His Excellency Mr. Antonio Lazo Arriaga. |
| <i>Hayti</i> | His Excellency Mr. J. N. Leger. |
| <i>Honduras</i> | His Excellency Mr. Fausto Davila. |
| <i>Mexico</i> | His Excellency Mr. Emilio Pardo Jr. |
| <i>Nicaragua</i> | His Excellency Mr. Luis F. Co-rea. |
| <i>Paraguay</i> | His Excellency Mr. Cecilio Baez. |
| <i>Peru</i> | His Excellency Mr. Isaac Alzamora. |
| <i>Venezuela</i> | His Excellency Mr. Jose Gil Fortoul. |

His Excellency Emilio Pardo jr., Delegate from Mexico, made a motion that His Excellency William I. Buchanan, a Delegate of the United States of America, be appointed President or Chairman of the Committee.

His Excellency Mr. Alberto Blest Gana, a Delegate from Chili, remarked that according to the purpose aimed at by the Committee on Committees when organizing the nineteen that now exist, each one of these must be presided over by a representative of some one of the Nations; he stated that it had come to his knowledge that His Excellency Henry G. Davis, had already been appointed Chairman of the Committee of the Pan-American Railway, and said that if the result of the election should favor Mr. Buchanan, the Delegation of the United States of America would have two Chairmen on the Committees.

His Excellency Mr. Alberto Blest Gana, finished his remarks requesting that the appointment of Chairman be made by ballot.

After the votes were taken it was seen that twelve were in favor of His Excellency Emilio Pardo jr., two in favor of His Excellency José Hygino Duarte

Pereira, one for His Excellency Fernando E. Guachalla and one for His Excellency William I. Buchanan.

His Excellency Emilio Pardo, jr., thanked the Committee for the high honor bestowed on him, and said that he accepted it with the most profound gratitude, as he considered that honor and homage to Mexico, the country he represents at the Conference.

His Excellency Cecilio Baez, a Delegate from Paraguay, called the attention of the Committee to the necessity of appointing a Secretary, to keep a correct record of the sessions, authorizing that officer, at the same time, to organize a section of stenographers to take down the speeches to be published in the Daily Chronicle of Sessions.

All the members of the Committee having agreed on the necessity of appointing a Secretary, His Excellency Joaquin D. Casasus, offered his services, putting them at the disposition of the Committee, expressing that he would consider himself highly honored if they were accepted.

His Excellency Joaquin D. Casasus, was appointed Secretary of Committee on Arbitration, by acclamation, and was authorized at the same time to organize as he may deem proper the labors of the Secretary's office.

His Excellency, Mr. Cecilio Baez, insisted on the necessity of the attendance of the stenographers at the sessions, so that the important discussions that are to take place in the Committee may be recorded; if not to be published at once at least to have them at the disposal of the Conference. Mr. Baez concluded, asking the Chairman of the Committee to occupy his seat, that the sessions would not be informal.

His Excellency José Hygino Duarte Pereira, a Delegate from Brazil, said he did not agree with Mr. Baez's opinions; that in his judgment the discussions on Arbitration must not be made known to the public, and that the minutes to be drawn up by the Secretary's office will suffice to give a complete idea of the deliberations of the Committee. His Excellency José Hygino Duarte Pereira, believes that during the Committee's labors no speeches are to be made, because the principal end in view is the exchange of ideas as to the point being discussed.

His Excellency Isaac Alzamora, Delegate from Peru, remarked that the idea of Mr. Baez had been misunderstood, as its only object is to prepare a daily chronicle of the transactions of the Committee; that perhaps the aim of Mr. Baez was that the discussions be faithfully recorded, reserving for further decision whether they are to be published or not. His Excellency Isaac Alzamora, maintained that the motion presented by Mr. Baez was very pertinent because the importance and transcendence of the matter to be discussed and of the votes emitted by the Honorable Delegates, justify the establishment of a service of stenographers to prepare the daily record of transactions.

His Excellency Luis Felipe Carbo, Delegate from Ecuador and the Dominican Republic, did not agree with the ideas of Mr. Alzamora, and suggested that two different reports, those of the majority and of the minority, will reflect the opinions of the Committee, and these reports on being presented to the Conference, will help to enlighten it sufficiently to reach a definite resolution.

His Excellency, the Delegate from Ecuador added: that there is not a single precedent of a Daily Chron-

icle of Sessions being kept to record the deliberations held within the circle of the Committees themselves, no matter what the character or nature of said Committees might be.

His Excellency, Fernando E. Guachalla, Delegate from Bolivia, supports Mr. Baez's motion; he agrees there is no precedent that authorizes the establishment of a Daily Chronicle of the discussions had within the limits of the Committees; but he says it must be remembered that the organization given to the labors of the Committee on Arbitration, has no precedence either. In his opinion, the important question of arbitration is about to be discussed within the limits of the Committee and not in the Conference, and taking this fact into account, it is proper to record the discussions in full.

His Excellency, Antonio Bermejo, Delegate from the Argentine Republic, agrees with the ideas of Mr. Guachalla and remarked that the Committee's task is not only to deliberate but to vote in fact, on the question of arbitration. The report that the Committee is to present to the Conference will no doubt have a definite character, because the votes will not be taken individually, but by Delegations, for it cannot be conceived that the members of the latter may have different opinions from those emitted by persons who represent the Delegations within the Committee.

His Excellency, José Gil Fortoul, Delegate from Venezuela, recalls the proceeding of the First International Conference held at Washington, and says the vote of a Delegate does not carry with it that of the whole Delegation; that it may be probable that a Delegation holds the same opinion as those of a Delegate who has been a member of the Committee of Arbitration; but that it is possible such might not be the case.

His Excellency, Luis Felipe Carbo, Delegate from Ecuador and the Dominican Republic, calls again the attention of those present to the report that the majority and the minority are to submit, and say they will suffice, to give an idea of the discussions had in the Committee.

His Excellency, Alberto Blest Gana, Delegate from Chili, is of the same opinion entered by Mr. Carbo and calls attention to the fact that it is not the Committee's object to discuss the fundamental principle of arbitration, for a decision with respect to it can be easily arrived at but to come to an understanding through the adjustment of the different projects which will be submitted to it, mutual concessions at the hands of all being indispensable in order to reach satisfactory results.

The minutes, added Mr. Blest Gana, must be drafted so as to reproduce the intent and meaning of the debates.

His Excellency, Cecilio Baez, Delegate from Paraguay, does not agree with his Excellency, Alberto Blest Gana, and he adheres to the motion offered by him, for the question is not to be discussed at the Conference, which can not hold an opinion contrary to that of the Committee, nor be of a different mind. He finds it strange, on the other hand, that mention be made of agreements and of concessions which are out of place in the discussion of the great principles of public law.

As no one requested the floor, the proposition of His Excellency, Mr. Baez, was submitted to votation and it was defeated by eleven nays against five ayes. His Excellency, Mr. Estupinian, had left before the