

same conventions and principles, I consider it indispensable that before ruling, the Conference listen to the reading of the project presented by the Delegation of Chili.

*His Excellency Mr. Carbo, Delegate from Ecuador.*—I have asked for the floor in order to make a short explanation, Mr. President. I am a partizan of the adherence to the conventions of the Hague on the part of the Congress; but I also ought to state why I have not signed the petition that has just been presented to the Chair.

I have not done so because the instructions of my government are terminant and prohibit me from signing anything outside of the Conference, especially when it is the result of arrangements and transactions. My country has come here to defend in open tribune its ideas and its mode of thinking on international questions, without affiliating itself to this or to the other cause, for it has no reason to injure the interest of any nation, since with all it maintains the best of relations.

Being then, as I am, in favor of adhesion to the conventions of The Hague, and being perfectly authorized to sign any treaty or pact of this nature, I would like to know why we should lose time, if all the delegates here present have full power to sign pacts of this nature.

I have simply wished to make this statement.

*His Excellency the President Raigosa.*—I have to reply to the remark made by the very honorable Mr. Blest Gana, stating that the Chair is under obligation to order documents read according to the precedence that they may have in their presentation to the Secretary. This morning the very honorable delegation from Chili presented a project, that touches upon the same matter as the document that has just been read; in consequence, the said project will be read in its course, and in order not to interrupt nor embroil the debate, it is necessary that the Chair make some ruling on the document that the Assembly has heard read; and if His Excellency is not in accord with this ruling he is at liberty to ask the Conference for its vote in the sense that it may deem convenient.

*His Excellency Mr. Blest Gana.*—I thank the Chair for the explanations given. The sole object of my remarks were that perhaps double a discussion might be avoided in relation to the two projects that touch upon the same matter.

*Secretary Macedo.*—The Chair rules that the document that has been read pass to the Secretary General of the Conference, for compliance with the provisions of Fraction VII of Article I of the Rules.

*His Excellency Mr. Walker Martinez, Delegate from Chili.*—I ask for the floor.

*His Excellency the President.*—In pro or con of the ruling.

*His Excellency Mr. Walker Martinez.*—I do not know the procedure of pro and con. In the parliament of my country and in those which I know, this difference of orators speaking in pro or con is not made. I only recognize the individual right that each one has to speak in the Assembly and express his ideas. I could not reply, therefore, with full knowledge of cause, to this question of the President.

My object is solely to call the attention of His Excellency to article 10 of the Rules, which states:

«When the minutes are once approved, the Secretary will render account to the Conference of the matters that may have entered after the former ses-

sion and the Chair will so dispose that each one of them may pass for examination to the committee corresponding to it.

It being thus, Mr. President, a matter that has entered after the former session, and which comes in for the consideration of the Assembly, I ask that the provision of article 10 be complied with, and that the ruling of His Excellency be that it pass to the corresponding committee. This is why I ask for compliance with this article of the Rules.

I ought to call further the attention of His Excellency to the fact that in one of the articles of the protocol in question, it is stated that the resolutions of the Conference . . . that the Conference will resolve . . . I do not know just what the exact terms are, but the resolutions of the Conference are mentioned. In consequence, the ruling that I propose is the logical one, the most natural and the ordinary one in every Assembly.

I have to make another petition to the Chair, and it is this: that the Honorable Mr. Galavis be addressed, who is not present in the hall and whose signature appears in this document, in order that he may ratify data of which the Conference has not yet official notice. The government of Venezuela suppressed on the 31st of last month its delegation; consequently, the signature of the Honorable Mr. Galavis cannot be taken into account, for I have no official verification of the resolution of the government of Venezuela in the matter to which I have just referred.

*His Excellency the President.*—I take the floor for the sole purpose of replying to the statement made by the Honorable Mr. Walker Martinez with respect to the delegation of Venezuela. I ought to state that this morning the Chair received a communication officially from the Honorable Delegate of Venezuela, which will be read in its turn, because in this as in all, the Secretary as well as the Chair observes strictly the order and date in which documents are presented respectively. Thus if the Conference has notice of the withdrawal of the delegation of Venezuela, it will be in the session of to-day; although His Excellency may have personal notice, the Conference had none of the retirement of said delegation.

I beg also to indicate to the Honorable Mr. Walker Martinez that the project that has just been read was signed on the 26th. of December. The additional article is the one that was signed this morning, but the other three articles referring to the adhesion to the conventions of The Hague were signed, I repeat, on the 26th. day of December last past.

*His Excellency Mr. Matte, Delegate from Chili.*—The discussion that has arisen, Mr. President, is demonstrating the inconvenience that there would be in continuing to render account to the end, of all the documents that the Secretary may have, and I would respectfully ask that we now enter upon the discussion of the ruling that the Honorable President has made.

*His Excellency the President.*—I am sorry not to be in accord with the Honorable Mr. Matte, for the ruling of the Chair has been brought in question; consequently, the only matter now in debate is if it ought to subsist or not. Furthermore, I think that it is a universal custom, in all parliaments of the world, that in measure as the documents are read, the ruling is made by the Chair upon them. It is the only methodical manner in which to proceed.

*His Excellency Mr. Walker Martinez.*—His Ex-

cency the President had the kindness to answer me with reference to the signature of the Honorable Mr. Galavis, and I am glad that there has arrived a confirmation of my words. But it would be well to consult the Honorable Delegate from Venezuela on this point. The fact that the Chair has been notified of this, confirms the fact that at this moment the Honorable Mr. Galavis is not a delegate, being unable in consequence, to compromise the signature of his country by celebrating treaties, without regard to the date or the manner in which such treaties may have been signed. The documents are of value according to their dates, and the delegates have functions in the moment in which they are exercised. Prior signatures cannot be taken into account, from the moment that they are no longer delegates.

I am surprised that His Excellency the President desires to appeal to a resolution of the Assembly, without having replied to my principal question. I read an article of the rules, which states that once approved the minutes, the Secretary will render account of the matters that may have entered after the session, it being the duty of the President to dispose that each one of them pass for examination to the committee corresponding thereto. Is this reglamentary provision in force? If art. 10 is in force, His Excellency has to obey it, he has to send this document to a committee and not to the Secretary General. But if the document mentioned be found, gentlemen, in the hands of the Secretary General, what ruling is this? The Secretary General has the document in his power, and under the provision of art. 10 renders account of it: the Chair then enters upon the exercise of its functions, and, according to the terms of the article cited, can do nothing else than to send it to a committee, for thus is textually determined the ruling.

When called to this Conference, Messrs. Delegates, the Honorable Mexican Delegation presented us a splendid redaction of rules that reveals great science, and in that redaction is the article; who then, better than the Honorable President and the Delegates of Mexico can know it?

On our part, we approved the rules, with the confidence that they would be observed. What has happened latter? That in days past some articles that seemed inconvenient have been eliminated, by which the rules have suffered many changes. Now then, without making any change whatever to the rules, it is said: the reglamentary ruling is changed; and yet the Honorable President wants to place us in the very difficult situation,—I beg of him to consider it,—of saying: we reprobate the ruling made by the Chair. Does His Excellency not see that there is an article so clear that in honor we cannot vote against it? If the rules that we have adopted has not provided, can any of the delegates present say that it is best to make another ruling when the one established by those rules is the one that I have recalled and to which His Excellency does not wish to reply? If he does not wish to answer and says to us: let the Congress decide, does he not place us in a situation where we must cast a vote against the Congress or against His excellency?

Sir, we are foreigners entertained with benevolence and generosity by Mexico. We have contracted ties of amity and affection with this country; but it is naturally just also, that laboring with the independence proper in the members of every as-

sembly, we cannot subject ourselves to the will of the President and his desires. Assemblies, Sir, have prestige and have value while they are free, and while their decisions import the union of the free will of those there congregated; but if the reglamentary laws disappear, the fundamental code that gives life to an assembly, what prestige can the latter have?

Let us suppose, Your Excellency, that for complaisance toward the country in which we find ourselves, and not to place it in a difficult situation, we were to say that the ruling is good. Would this be just? It is the duty of Your Excellency to avoid difficulties, for a vote reprobatory of your conduct could not be satisfactory, and we would have, perhaps, to abstain. We cannot subsist here if the rules and regulations do not exist.

I call attention to the fact that this Assembly is going to receive universal resonance, for not only in America, but in all the nations of Europe it has been accorded importance, as questions of international law as serious as those we are here discussing, affect all humanity. Our Congress will be studied, examined analyzed, and if in Europe there exists lack of prestige for the American nations, we in every act ought to procure to rectify those erroneous opinions and to affirm that the attitude of our republics merits the respect of the old world and that our proceedings never deviate from the straight line.

For this reason I call again the attention of His Excellency the President to my question: Is or is not art. 10 of the rules in force? Is it a duty imposed or not upon the President to distribute the documents among the committees into which the Conference is divided?

There is now no room to propose a new ruling, and less so that there should pass to the Secretary a matter that is already in the hands of the Secretary.

I appeal, therefore, to the elevated sentiments of the Honorable President; I appeal to the function of judge that he exercises in these debates, because, Your Excellency, in that character, you cease to represent Mexico, in order to take on the representation of all America and have to vigil in that these debates are vested with all guaranties, in order that we may not make a sad spectacle of our continent.

*His Excellency the President.*—I am going to reply very briefly to the observations that the Honorable Mr. Walker Martinez, with the brilliancy of style that characterizes him, has seen fit to make upon the ruling of the Chair. I am not going to pronounce a discourse, because it does not correspond to me, as President of this Assembly, to enter directly upon the territory of debate. My acts are all submitted to the vote of the Conference; thus, it is not fitting for me to pronounce discourses, sustaining my own rulings; but this time the interpellations directed to the Chair have been so direct, that I find myself, despite my own wishes, obliged to break this line of conduct, to reply to the interpellations of the Honorable Mr. Walker Martinez. Probably His Excellency has not given close attention to the solicitude by which the document just read is remitted to the Conference, which does not conclude with any proposition whatever that might be sent for examination and study of a committee, but is simply an informative solicitude of an act already celebrat-

ed, that is not submitted to the approbation of anybody.

What ruling could I give, as President, to an informative communication, when there is not, as I say, any proposition to submit to the consideration of the Assembly? No other could correspond within the reglamentary terms, and these are the only ones that the Chair has observed.

Furthermore, if His Excellency will but reflect that the Committee on Arbitration is formed with one member from each one of the delegations reunited in the Conference, if the project comes signed by fifteen delegations of the seventeen present His Excellency has seen solidified the vote of the Committee on Arbitration, which is equivalent to presenting its report, but it would be a report, that does not conclude either with any proposition by which it might be submitted to debate in the Assembly.

Thus, then, in any manner that the matter may be considered the Honorable Mr. Walker Martinez, so practical in parliamentary questions, whose life has been passed in those elevated combats of the tribune, will comprehend that the ruling of the Chair is perfectly justified, and that there is no room for another. But the Chair repeats that once called in question the ruling made, it is no longer under its personal judgment, but is under the judgment of the Conference. I remit the same to it and it will be asked if it sustains or not the ruling of the Chair.

*His Excellency Mr. Bello Codecido, Delegate from Chili.*—Mr. President, I think it necessary to add on my part, some remarks upon the question that at this moment occupies the attention of the Assembly, for, in reality, while in appearance it is simple and of little importance, it affects in fact the reglamentary procedure of the Assembly in matters of the greatest transcendancy.

I do not think, Mr. President, that in view of the importance of the matter in question, not only of the document that has been read here but the project presented by the Delegation of Chili, that has not yet been read and touches upon the same matter, I do not think, I repeat, that the importance of this affair permits the Conference to decide it by a simple ruling of the Chair.

What is it that has been submitted to the consideration of the Conference at this moment? A project of arbitration that coincides in general points and in its purposes with the project that the Delegation of Chili has presented simultaneously.

There is, in consequence, in discussion two projects upon arbitration, and it cannot be supposed that the Second International American Conference is going to decide one of the most transcendental chapters of its programme by a simple ruling made by His Excellency the President. That is to say, Sir, that the first chapter of the programme that refers to arbitration, is going to be decided by a ruling of His Excellency, which states: "This project will pass to the Department of Foreign Affairs." This is the form by which it is desired to decide one of the gravest problems that this Conference can be called upon to solve.

I esteem, Mr. President, that this sole observation suffices to place this question in its true light, to attribute to it all the importance that it possesses, and to make it the object not only the deliberations of the Assembly, but of a declaration in solemn form.

There is, in consequence, not a question of mere ruling, it is not a question of deciding if the document which has been read, signed by a great number of the delegations, in which it is proposed that the Conference adhere to the Conventions of The Hague, has to be or not communicated to the Department of Foreign Affairs; it is a question of deciding in reality if the Conference accepts this proposition on arbitration. That is to say, if the International American Congress approves or rejects this proposition. There is room for no other resolution, Mr. President.

If the subjects under debate is a proposition by which this Assembly manifests beforehand its will in such sense, since there are signatures that reflect the resolution taken already by some delegations; if what this Assembly is going to do, according to the tenor expressed in this document, is to adhere to the Conventions of The Hague, and accept in conclusion the principles that in them are assigned, upon arbitration; and if for our part, we who have signed the other project propose the same thing, it results that what is found in the debate is the approbation of what is proposed in the projects presented, approbation that ought to be proclaimed here and here only, for I fail to comprehend how the plenipotentiaries who have mandate to act within the Conference, are going to do outside what they have come to do within it.

Consequently, Messrs. Delegates, we have to resolve two projects; the matter is the same, both touch on the adhesion of the American Republics to the conventions approved in the Conference of The Hague. This is what is submitted to the resolution of the Conference. To endeavor to disfigure this situation in order to present it in a strong form, outside of the reglamentary provisions, cannot be conceived, and I fail to comprehend how there can be a debate upon a question as to whether or not a matter should be discussed under the rules established by this same Assembly. A simple question of procedure has been raised by reason of the diverse form in which the projects referred to have been presented. Some delegations have had no objection that the project in question be presented signed beforehand, adding the petition that it be sent to the Secretary of Foreign Affairs of Mexico. Other Delegations, and I speak for the Chilian, have believed that such procedure is outside of the reglamentary provision and of the power that we have as delegates from our respective countries that have authorized us to act within the Conference.

It is thus, then, that being in accord on the proposition, we have not been on the procedure. We want to adhere to the Conventions of The Hague: this agrees with the aspirations and the policy proclaimed by Chili and sustained by the delegations before the American Conference. There is no discrepancy as regards the desire, there is as regards the procedure that ought to be adopted in order to arrive at the same end. We cannot, we have not the right to act outside of the Conference. Consequently, the desire to adhere to the conventions of the Congress of The Hague, we have to express it here, within the Conference and not outside of it.

The Delegation of Chili has presented a project of its own, perhaps identical to the one from the other delegations. In consequence, there is no room for discussion as to the faculty that the President

has to rule upon any document that may be presented to the Chair. What in fact we ought to discuss is the proposition of adhesion to the treaties of The Hague, presented in one form by the Delegation of Chili, and in another by the other Delegations.

The Conference will resolve if it ought or ought not to dispense with the reglamentary ruling.

In accord with what the Assembly may resolve in this respect, we will have an opportunity to make fitting remarks.

*His Excellency Mr. Matte.*—I had proposed, Mr. President, as a conciliatory measure to reserve for the end of the session the debate upon the ruling made by the Chair. This discussion demonstrates, Mr. President, that there was justice in the conciliatory indication that I had the honor to present; but now that it is not accepted, I will strengthen the arguments and the reasons adduced by my honorable colleagues of the Delegation, to ask that art. 10 of the rules be obeyed, which is absolutely terminant in the matter in question.

The reason given by the President to exempt from that ruling the project presented by fifteen delegations, is that in said project and in the note accompanying it nothing is asked for. I am going to read to His Excellency the terms of that last communication. In it something is asked from the Assembly, upon which the latter ought to pronounce itself; it is asked that the project be sent to the Department of Foreign Affairs of Mexico. How then can it be said that no petition has been made? How can it be affirmed that there is no proposition made? I am going to read in textual terms the note directed to the Congress by the authors of the project. It states:

"By virtue of which, said Delegations have the honor to remit to the Conference the text of the resolutions approved, in order that, through the General Secretary, it may be sent to the Department of Foreign Relations of the United States of Mexico, with the object in view that by following the indispensable procedure to give to the acts of the Delegations represented in this Conference all obligatory force with respect to the Republics that have designated them, said resolutions be duly executed."

"Is there or is there not, my honorable colleagues, a petition addressed to this Assembly? And when that petition touches upon the gravest subject with which the Conference has to deal, are we to disregard the ruling obligatory imposed upon us by our Rules? I cannot conceive of this, Mr. President. When communications like those from the government of Spain and many others have been passed to the Committee in order that it may inform the Conference; when that ruling has been given to questions of no gravity, is it possible that the Assembly can forget such authorized precedents and consign to oblivion the observance of a fundamental rule of our deliberations?"

But, there is more still, Mr. President: in the note and project submitted to the consideration of the Conference, there is something of extraordinary gravity in allowing the corporation to intervene: why then, should not the Conference resolve upon this point and render account of the importance possessed by the petition addressed? Art. 3 of the project reads as follows:

Art. 3. It being of noted general convenience that differences the resolution of which is agreed to be

submitted to arbitration, are conferred to the jurisdiction of a tribunal of such supreme importance as that possessed by the Court of Arbitration of The Hague, as also that the American Nations, not signatory of the convention created by that benefic institution, may occur to it, in the exercise of a recognized and accepted right, and taking also into consideration, the offer of the governments of the United States of America and of the United States of Mexico, the Conference confers upon said governments the duty of negotiating with other signatory powers of the Convention for a pacific arrangement of international conflicts, the adhesion of the American Nations, not signatory of the said Convention, who may so solicit."

In what manner is it possible, Mr. President to put through this project without the Assembly first studying it by all the means exacted in the Rules and what prudence counsels, in order that the resolutions of the Congress may be rendered benefic and efficient? No, Mr. President, it is not possible to overleap the reglamentary provisions that form the most efficacious guaranty of exit in the resolutions of this Assembly, and we cannot disregard them in matters of such exceeding importance and in resolutions of so very grave intent.

What is the ruling made by the Chair?

"That there be passed to the Secretary General of the Conference the document that has been read, to carry out the provisions of the seventh clause of article 1 of the Rules."

What is the provision to which we have alluded? It is as follows:

Art. 1. The attributes of the Secretary General shall be the following: . . . VII. To be the intermediary between the Delegations or the members of the same, in all relating to the reports of matters connected with the Conference, and between the same and the authorities of the country."

We see, then, that it is a provision of intimate order, of an economic nature, of administrative order of the Conference; but in no manner whatever can that presidential ruling that "it pass to the Department of Foreign Affairs" be held as a proper procedure, for the Conference would no longer have anything to do in relation to the project. We should have arisen from our seats in order to know the text of that document, and we have lacked the time necessary to study it. Will that project simply have to pass through the Conference, as if it were a mailbox, in order to transmit the communications that one government addresses to another? We will have no time to deliberate, to learn the purport of that document, and thus we are asked to send it to the Department of Foreign Relations of Mexico.

I do not wish to recall the very numerous occasions on which matters of minimum importance have been passed to the Committee on General Welfare and to the others into which the Conference is divided. In view of the importance, the gravity of this matter, how can it be sought to exempt it from reglamentary ruling, from the forms established to vest the acts of the Conference with maturity, authority and force?

There is, Mr. President, absolute justice in the petition that we, the delegates of Chili have had the honor to formulate, and for such powerful reason, we find ourselves obliged to maintain it in order that the Rules may be observed.