

His Excellency the President.—In as much as several of the Delegates present have asked for the floor, among them being Messrs. Pineda, Bermejo and General Reyes, and it being very near the reglamentary hour to close, in order that the debate may have all due and convenient latitude, the session is suspended to be continued at four in the afternoon.

SESSION OF JANUARY 15, 1902.
(Afternoon.)

Secretary Macedo.—Discussion on the ruling of the Chair will be continued.

His Excellency Mr. Pineda, Delegate from Mexico.—Gentlemen: We are discussing a parliamentary question, a mere ruling, and I can explain to myself only the unusual proportions that it has assumed, from its connection with the vexed question of arbitration; but it is necessary to place this question within its natural limits, in order not to perturb our criterion, in order not to disnaturalize the debate and to arrive at its conclusion, in a proper and decorous manner that corresponds, not only to the International Conference, but to each and every one of the honorable members composing it. And before going further, I ought to state, that if I take part in this debate, it is not because I judge that a defense is needed—much less from me,—to the ruling of the Chair, which has most clearly and concisely explained its reasons, but because, in as much as certain orators insist in antagonizing the ruling with few arguments, someone ought to intervene in order to explain more fully the reasons given by the Honorable President of the Assembly.

I shall try, Sir, to present the facts with all serenity of spirit and with all the impartiality of my temperament. In my opinion, the facts are as follows: a majority, a great majority of the Delegations that compose this Conference, has celebrated a convention or concert, and has brought that convention to the knowledge of the Conference, for the sole purpose of extending it into the sphere of the Department of Foreign Affairs of Mexico, the only method to render it practical. This is a consummate fact, this is a fact dependent solely on the will of the Delegations signing it, who have not desired to bring it under discussion in the Conference, who do not submit it to its deliberation, much less to its decision, and who have only recurred to the Chair, asking that the fact be placed in cognizance of the Department of Foreign Affairs of Mexico. What could the Honorable President of this Assembly do, in view of this fact? How has the Honorable President proceeded when a multitude of other facts have been presented, without the importance of this one and even unconnected with the programme and labors of this Conference? He has constantly dictated rulings, in consonance with the petition, and this oftentimes as a simple matter of courtesy. Thus, when it is a matter presented by a great majority of the Delegations of the Conference, who within it can dictate laws, how can he fail to attend to its desires, and why should he not satisfy them in this case? Because if any importance is attached to the fact here in question, it is evident that it will be resented only by those who have signed the protocol, convention or concert that has been presented this morning to the Conference.

The other fact is that the Chilean Delegation, as stated by its President, Mr. Blest Gana, presented also this morning to the Secretary another project of con-

vention, or an initiative, if not identical, at least analogous to the convention signed by the majority of the Delegations that subscribed the convention upon adhesion to those of The Hague; and in view of this, the Chilean Delegation has opined that all ruling of the Chair should be suspended with respect to the first document, and that this should not be remitted to the Foreign Office of Mexico until the Assembly has considered the Chilean project. The Honorable President of the Conference has been unable to accede to this solicitude, and he should not have acceded to it, because these form two distinct documents, distinct in form, diverse in nature, and as the protocol of the Delegations was presented to the Secretary prior to Chilean project; this is the reason why it has been preferred in natural order.

How can these two documents be comprised within a single ruling? In nature they are distinct, because the one is a protocol already signed, and one signed, naught remains but to carry it into effect; and the other is an initiative which in order to attain to the force of the first, in accord with the purpose of the Chilean Delegation, must be submitted to all the rulings that regulate the debates of the Assembly.

It may be seen, Sir, that the Chair has proceeded justly in ruling primarily upon the protocol read this morning; to have proceeded in any other manner would have been a lack of consideration toward the majority of the Delegations signing it, establishing at the same time an unjustifiable precedent, and to accede to the demand of the Chilean Delegation, is to launch ourselves into an incomprehensible debate, and being incomprehensible, without possibility of any satisfactory solution.

The ruling of the Chair was substantially: «to the Secretary of Foreign Affairs through the Secretary General.» This ruling is reglamentary, and has legitimate origin in our own Rules; why? because the Delegations separately have not the right to take up matters with the authorities of the country, and in order to do so, the Rules establish that they take the course of our Secretary General. This is the sole extent of the ruling of the Chair.

But our honorable colleague and my very distinguished friend Mr. Walker Martinez, invokes article 10 of the Rules against the ruling of the Chair, and His Excellency, with that parliamentary skill, which we all recognize in him and with the vigor of his personal temperament, insists in his arguments and energetically interpellates the Chair to state if article 10 was or was not in force; article 10 is in force, I do not hesitate in taking upon myself the responsibility of this answers article 10 is in force and will be until it is abrogated; but article 10 cannot be applied except to those cases wherein it is applicable. Article 10 states: «The minutes being once approved, the Secretary will render account to the Conference of the matters that have entered after the prior session, and the President will dispose in such manner that each one of them pass for examination to the corresponding committee.»

It is clear, Sir, that this article does not provide that any document, that any matter, be its nature what it may, will have to pass necessarily to a committee; it is clear that what this article establishes is that those matters needing consideration on part of the informative organs of the Assembly, may be passed to a committee, those matters pertinent to the programme and labors of the Conference. But when

it is a matter not incumbent upon any of the organs of consultation established in the rules, why pass it to a committee, and to what committee should it be passed? I ask if we had to apply article 10 in its literal terms, to what committee would have to be passed the protocol from the fourteen or fifteen delegations that sign the adhesion to the conventions of the Hague, and which was brought here only to be transmitted to the Mexican Foreign Office.

In deliberative assemblies, like this one, in order that a matter may be remitted to a committee by the proper authority of the President, it is required first, that the Assembly may have previously established the competent organ of consultation, in every case that it occurs; and second, that the matter presented to the Assembly require consultation on part of the respective organ. When this organ lacks, the President cannot supply it himself—that is our case—and when consultation is not wanted—which also is our case—it is vain, being impertinent, it is useless, being irrational, to consult upon a matter that no one wants to consult.

I think that this is our case. Thus then, without breaking article 10 of the Rules, without exercising violence against the right of any one, without offending independence, the free speech of the delegations here congregated—of which constant and beautiful proof is offered by many of the delegations forming the Conference, and among them the Chilean, in first rank—without infringing upon any of the fundamental or constitutive principles that sustain and ought to sustain liberty in the deliberations in parliamentary bodies; the President of this Assembly has dictated with legitimate authority the ruling made upon the protocol of adhesion to the conventions of the Hague.

I am not behind my honorable friend and colleague Mr. Walker Martinez with respect to attacks on parliamentary independence and liberty; I applaud the energetic words of His Excellency, and I accept in all its plenitude his fine theory, which is good, with regard to the independence that at any moment ought to be had in deliberative assemblies, and principally in those which, like this one, carry upon its shoulders the immense responsibility of a whole continent; but this theory remains intact, it has not been injured in the least. Liberty is not coerced with the ruling of the Chair, as toward any of the delegations here present, nor is anyone injured nor is the voice of any one suffocated, nor prevented from expressing with all amplitude and liberty his sentiments and defending his rights.

Insisting on the opposition to the ruling of the Chair, Mr. Bello Codecido, no less appreciated by us than his other most honorable companions, seized the opportunity to afford us the pleasure of listening to his discreet and calm discourse; but allow me, Your Excellency, to state that neither was he in the right, for he has fallen—in my opinion—into a lamentable error; we are not discussing here, Sir, neither the protocol signed by the majority of the delegations of this Assembly and read this morning, nor the Chilean initiative, as Mr. Bello Codecido has sought to demonstrate to us. Not the first, because—as I have already said, and it is well to repeat—it is not in discussion, because it has not been brought to the session by its authors to be discussed, but as a simple recognition of a fact consummated already, and as a simple step taken to reach

its final destination, the Foreign Office of Mexico; not the second, for we do not recognize as yet the Chilean initiative, and if we suppose, and surely it has to be so, because Their Excellencies Messrs. Blest Gana and Bello Codecido have said so—that it is analogous as a hole to the first document, it is certain that we do not know just what the differences in form, nor just what its real intent may be. Neither the one thing nor the other is in discussion; the ruling of the Chair is simply on foot to cause this debate, and I think, not by reason of the scanty reasons that I have adduced, but for the motives expressed this morning by the President of the Conference, that the ruling has been fully justified and ought to be openly accepted by all, even by the dissenters, as an expression of a form of consideration and justice.

Mr. Walker Martinez has well said: Mr. Raigosa does not belong to Mexico in these moments, he belongs to America as President of the Second International American Conference; and I do not think that our President has receded from his high place to our honor and to that of the Conference.

There is an argument (which in my judgment is rather a censure), that has been uttered and to which I have not yet replied, that adduced by my respectable friend Mr. Matte. Mr. Matte with that perspicacity that characterizes him, with that dexterity that he has in arriving at the bottom of things and deal the last blow to his adversary, brought the very document itself into the Assembly to be read, and read in one of its clauses this provision (he cannot expect that my recollection will be textual, I have not the document before me): «The Conference asks respectfully . . . ;» that is to say, there is a clause in the document read this morning, that takes the name of the Conference; and then the argument of the Chilean Delegation, that so fiercely combats discussion of the protocol and equally for discussion of its initiative and that both be included in the deliberations and decided by the vote of the Conference, was the following: the name of the Conference may be invoked, in degree as in this document or in this work there may have taken part all the delegations forming the Conference. This is the argument in all its clearness, in all its nudity.

The answer is easy. The protocol is not in discussion, and not being in discussion, we cannot discuss its text, and if there is anything improper or unsuitable in it, that inconvenience, impropriety or responsibility must fall upon those who redacted, signed and sustained the pact—that does not oblige nor can it collectively obligate the Conference—because, in fact, it has not been the work of all the delegations composing this Assembly. I have then no embarrassment in recognizing the justice of the observation of His Excellency Mr. Matte; but the observation of His Excellency in naught affects the question we are debating. It is a just criticism upon the style of the protocol signed by the fifteen delegations, very well; but it is not an argument against the ruling of the Chair. With that impropriety of phraseology (impropriety that does not take away nor add force to the pact), or with it, it is irremediable that the protocol pass to the Mexican Foreign Office, for this is the desire of its authors, and this is all that the Chair authorizes in its ruling.

With these explanations, gentlemen, in the utterance of which I have occupied your attention already too long, and for which I beg a thousand pardons, I

think it will be clear to all that we have given to this debate on a mere ruling a proportion that the subject matter does not warrant, and that the attitude of the President of the Conference has been just and correct.

His Excellency Mr. Buchanan, Delegate from the United States of America.—Mr. President: I recognize, with not only great cordiality, but with entire frankness, the courteous proper and the very kindly deference and remarks made by the distinguished gentleman from the Chilean Delegation. I rise merely to make one correction or explanation. When the document, which has been read, was drawn, several days ago, it was then the hope and belief of all that it would meet the good will and the cordial support and the endorsement of every Delegation in this Conference; hence the phraseology of Article 3, as I recall it, was phrased as it was because should it have been signed by all the Delegations it would certainly have been the act of the Conference without formality of any kind. Inasmuch however, as it has not been signed by all, the observation made by my distinguished colleague from the Chilean Delegation is entirely proper and correct. There has been no intention on the part of any one signing this document that it should be other than exactly what it is, that is, the free action of fifteen Delegations in this Conference, among and between themselves with regard to a subject upon which they have the deepest interest. Without burdening the Delegates I respectfully ask the Chair, with the permission of the gentlemen who have signed it, and so that there may be no possible misunderstanding as to what is intended, that the words—I do not recollect them—in Spanish, but I recall the English very well because of the fact that I corrected it myself,—“La Conferencia Americana,” be changed to “Las Delegaciones en la Conferencia Americana,” and it that way the point made by my distinguished friend Mr. Matte, is removed; beyond this it does not seem to me that there is anything to say.

It occurs to me, possibly, that it would appear singular that fifteen Delegations of this Conference, responsible to no one other than to their own governments for their actions here, whose fit to sign between themselves a document of any character, and present that document respectfully to this Conference with the simple request that it should be transmitted to any Department of the Mexican Government, that should be objected to by Delegations who are not parties to that paper or document, or affected by it. It appears to me that in making the request made, those who signed this document are not only within their strict rights, but in addition to that there would appear to be due these Delegations that deference which they are always willing and gladly render to any other Delegation. Their request is simply that the document they have signed be sent to a certain office, and I fail to see, no matter what the document is, or in what way or manner that request is, that it can be objectionable to any one who has not signed it.

I should simply desire to express and to make public the statement; that is, that the change above suggested be made when the document is presented.

His Excellency Mr. Carbo, Delegate from Ecuador.—Mr. President: When I was asked to sign the adhesion to the Treaties of the Hague, that relate to international arbitration, I stated that I would reserve my opinion in order to express it within the

Conference, because outside of it I could not and ought not sign project of any sort, since my country had an open tribune to express its mode of thinking on international matters, without injuring the interests of anyone, for Ecuador does not affiliate with this or the other cause, but expresses its policy with entire frankness and loyalty.

My country sustains amicable relations with all the American nations represented in the Conference, and I, vested with its high representation, could not adopt a lesser standard and fail in the most elementary rules of diplomacy, lending myself to arrangements or transactions in which Ecuador has no reason to take any part.

Of the seventeen delegations present, fifteen have signed the project, however, for reasons that I respect, to have the right that they respect mine. Chili and Ecuador have been the only nations that have not signed the convention. The first, on account of having presented a like project; and the second for the reasons that I have just expressed. But as both are in accord with the other delegations, as regards signing the treaties of the Hague, the Conference cannot deny them the right of adhering in the form that they may deem convenient to the project that forms the subject matter of the debate.

When I reserved my opinion in order to express it within the Conference, I expected, as was natural, that the project of the fifteen delegations would be subjected to parliamentary rules that would furnish me an opportunity to express my ideas; but as the Chair has disposed to dispense with the established practice, I wish to make a few remarks now that my character of president of the committee acting on the matter gives me the right to be heard.

I have been the first to recognize the exquisite tact with which my honorable friend the President has directed the debates of the Congress. In the parliamentary annals of this Assembly is found the good opinion that the President has merited in me, with whom I now sincerely regret to be not in accord.

Versed in practices of debate, His Excellency the President defended himself this morning with ability that all must recognize; but intelligent and learned as he is, he cannot but agree that it is an universal principle, which prohibits terminantly disattention to the letter of the law, under pretext of consulting its spirit.

And the letter of the Rules clearly and expressly establishes that the project of the fifteen delegations, seeking as it does to cause the Conference to pass a resolution of the greatest importance, ought to be subject to parliamentary rules, that protect and regulate the deliberations of this Assembly.

And if it were not sufficient that the law obliges the President to comply with a terminant provision, common urbanity should suffice to permit two nations the opportunity of expressing their ideas in a matter of so much importance.

I am of the opinion that the Chair, after ordering the project of the Chilean delegation read, will pass it, with that of the other fifteen for examination to the Committee on Arbitration, in order that it may render a report at the earliest possible moment.

There is another most powerful reason in support of my theory, and that as president also of the Committee of Credentials, I feel it my duty to express.

Treaties are in discussion and yet I know perfectly well that many of the Honorable Delegates have

simple credentials, which do not authorize them to discuss and much less to sign treaties.

An international congress, convoked to formulate good diplomatic rules, cannot consent that the delegations that have not been authorized by their governments with the plenitude of their representation, should discuss and vote treaties that suffer a fundamental defect, and which would tend only to mislead the criterion of the entire world, in all that refers to the transcendental resolutions of this Conference.

To send a project of Convention to the Department of Foreign Affairs of Mexico, for the Secretary to discover that a large portion of the delegations possess no powers, is an act improper in this Conference, which ought to proceed with entire circumspection, especially when it is a question of the country that has received us in its midst.

For all of these powerful reasons, I ask that the rule be complied with, in order that the resolutions of this Assembly may not be passed too hastily, and that it may adhere by unanimity to the treaties.

His Excellency Mr. Buchanan.—I rise with considerable reluctance, but in as much as my distinguished friend Mr. Carbo, of Ecuador, stated both this morning and just now, I am quite sure unintentionally and without thought of giving offence, indirectly questions the power of some of those signing the document read, I wish to say in reply so far as the United States Delegation is concerned, that it answers to the United States Government for what it does.

His Excellency Mr. Carbo.—My observation of a character entirely diplomatic and reglamentary; I do not intend to offend any nation; each one has the right to do as it likes; but in celebrating a convention, can a diplomat consider himself offended when another asks him for his full powers to sign it? This takes place in all such assemblies.

I seek not to offend anyone, because I am the first to recognize in each the right he has; thus if Mr. Buchanan has believed that offense was intended for him or for the other delegates, has suffered an error; because I have manifested this morning and this afternoon, that I have not entered into any kind of transaction, for my country is friendly to all nations, and has come to express here its ideas clearly and frankly, without compromises with anyone.

His Excellency General Reyes, Delegate from Colombia.—Mr. President: The debate in which we are engaged has assumed such proportions, that I do not think we are discussing the ruling of the Chair. I beg to call the attention of my honorable colleagues to the fact that it is scarcely advisable to enter into a full examination of this question, the most important of the Conference, and, perhaps in efforts to avoid its gravity, we may be taking a course that may not lead us to a practical result, and by which we might injure the interests of the countries that we represent.

I do not attack the ruling of the Chair; but the course that the debate has taken demonstrates to us that we ought to confine ourselves to the question. We are told, that here, Mr. President, is a project of arbitration, a protocole signed by fifteen delegations adhering to the convention of The Hague; and that there is another project that has not yet been read to us, but that the authors of it, the delegates from Chili, tell us is exactly the same, as a whole,

as the one relative to The Hague that has been signed by the fifteen delegations. Ecuador adds: I am in accord with all that has been asked for by the Chilean Delegation, and hence it results that we are all unanimously in accord in that this Conference adhere to that Treaty or convention.

We have then, that the one signed by the fifteen delegations has been read, among which figures that of Colombia, and I ought to state, Mr. President, that I have not been in conferences, nor have I spoken with any of my colleagues upon this agreement; upon entering this morning the hall of sessions, I was told: here is a project that will divert the difficulty, and we are in accord in it, and I affixed my signature without having taken antecedents, believing that the difficulty was being averted, and in place of doing so, Mr. President, the result appears to be that it has been rendered greater, and not to deal with this question in the manner that we ought to deal with it.

Mr. President, there is unanimity in the Conference to adhere to the treaty of The Hague, because it is signed by the majority of the Delegations, and Chili says that she is in accord and Ecuador the same. I would ask: would this treaty of The Hague satisfy the necessities of the countries here represented? I think not, gentlemen, and that we ought to put aside egotism and difficulties and, perhaps, personal considerations, to attend to the necessities of great importance of our countries.

I call the attention of my colleagues to the fact that in South America there are grave questions regarding limits to be defined. Here I can speak with a knowledge of cause, and, perhaps with more authority—pardon me for the lack of modesty—upon immense regions that unite Venezuela to Colombia, Ecuador, Bolivia, Peru and in a certain sense Argentine, whether it be by way of Chaco, or in the region of the Parana. These questions now have not great importance, it is very easy to arrange them by means of arbitration, as those territories are not populated; but at the pace humanity is proceeding, in view of the development of commerce and the industry of the world, to-morrow those territories may be cause of war between those countries, wars that this Conference might prevent now, by arranging for the nations mentioned to subject their differences to arbitration.

It is true that the United States is not in this position, and yet I believe that they will accept arbitration; Mexico accepts it also; I do not know if the Republic of Chili accepts obligatory arbitration, because being upon the Pacific she has not this difficulty of boundaries to contend with that trouble other countries; but in as much as there are countries that do have this difficulty, why should we refuse to engage in this Conference in the interesting, the very grave question of arbitration, to bring on new wars and to render life impossible in South America?

I think, Mr. President, that in fully facing the difficulty, the Conference might arrive at a practical result, not pronouncing itself against the ruling of the Chair, which I respect, but in discussing and voting the proposition of reading the Chilean project and that of the fifteen delegations—which I have signed, allowing both to pass to the Committee so that next Monday it may present its report, in order that this question may be taken up in full