

and not continue to postpone it, as has taken place for a space of almost three months, during which we have accomplished nothing.

For this reason, I suggest the following proposition: Let the project of arbitration presented by the Chilean delegation be read and pass it together with the one signed by the fifteen delegations to the respective committee, in order that next Monday it may present its report.

*Secretary Macedo.*—By virtue of art. 15 of the Rules of the Conference, the Chair orders that the vote on the ruling of the Chair being pending, the proposition of the Honorable Delegate from Colombia will be taken up, after the vote has been taken.

*His Excellency Mr. Matte, Delegate from Chili.*—I have listened with much attention to the reasons expressed by my honorable friends Messrs. Pineda and Buchanan in support of their thesis.

To demonstrate, Mr. President, with the opinion of one of the colleagues of the Mexican delegation that our position has been one perfectly justified, in indicating that there be given to the petition addressed to the Assembly the reglamentary ruling, it will suffice to recall that our colleague and friend Mr. Pardo presented at the preceding session an article, in order that it might be incorporated in the Rules, the text of which is as follows:

«The resolutions and recommendations that the Conference may have discussed and approved during its deliberations, and all documents passing by reglamentary conduct from the Conference to the Secretary of Foreign Affairs, shall be redacted in Spanish, English, Portuguese and French.»

Why did our distinguished colleague present this article to the Assembly? Because precisely for the reason that there existed none that would permit of the course that the Chair endeavors to accord to the petition submitted to the Congress; if that article had existed, some justification might be pleaded for the ruling of the Chair; but the penetration of my honorable colleague Mr. Pardo made him comprehend that it was necessary to insert in the Rules a new provision in order that access might be given to the document presented.

It appears to me, Mr. President that this intent of reglamentary reform demonstrates to us in a palpable manner that it was found necessary to do so in order to justify the presidential ruling.

This morning, Mr. President, I had occasion to recall that numerous have been the matters that, requiring meditation, have passed to the respective committee in order that it might reflect upon them with due calm so that it might render a judgment that should serve as basis for the resolutions of the Assembly.

With regard to the recognition made by the Honorable Mr. Pineda, in that there had been incorporated in the terms of the petition presented this morning phrases that exacted a modification, I believe that Mr. Pineda himself has recognized the fact that we were perfectly right in claiming that the name of the Conference should not be used in a matter foreign to it. But my distinguished friend and colleague had hoped to eliminate this objection, by saying that we have no right to mix ourselves in the redaction of the documents that we have not signed. However, Mr. President, if we see that in a document there is used, as Mr. Buchanan has very well said, altho it be in error, the name of the

Conference, shall we not have the right to make observations against a proceeding so exceedingly irregular? We have a perfect right, Mr. President. If some proposition is submitted to us, is it not possible to suppose that such a thing may have been made for the sole purpose of making us the only participants of it; it is intended, without doubt, that the Assembly give it the course it may deem convenient, but in no manner that it may ignore the purport of the proposition.

Now, addressing my honorable friend Mr. Buchanan, I will have to remark, that those words are not the only ones incorporated in error, but that there are several that I am going to read they are these.

«Considering that the Delegates of the International Conference of the American Republics believe that the public opinion in the nations here represented, increases constantly in the sense of favoring warmly the most ample application of the principles of arbitration; that the American Republics, directed by the same principles and responsibilities of the democratic governments, etc. . . .»

That is to say, the name of all the delegations of the International Conference is taken, and if such a procedure is adopted, why should it not be correct that the amendment be made and that there be put in practice the measures that we advise in order to carry it out?

There is still another article, Mr. President, which states:

«The American Republics represented in the International Conference of Mexico and not signatory of the three conventions signed in The Hague, on the 29th. of July, 1899, recognize the principles consigned in them, as part of the American International Public Law.»

The Republics of Equador and Chili figure among those that have not signed those three conventions. Notwithstanding they are incorporated here, in the number accepting adhesion to said conventions. Then, Mr. President, can the ruling that we solicit be termed inopportune and undue, and which is the one affording us the time indispensable to study the amendments that ought to be made to the project, that are entirely justified, and which have been recognized as necessary by the Honorable Messrs. Pineda and Buchanan? Why should we do things with such unusual precipitation; why in matters of so much importance should we dispense with the calm, the discretion and the prudence necessary to render these documents well conceived, so that no responsibility may rest upon us?

I will have to repeat, Mr. President, that the Delegation from Chili adheres to the Conventions of The Hague, as proved by the project that it has presented and the fact that since it arrived to this Assembly, it has exerted its efforts to obtain that the fundamental results of its labors might be the adhesion to the agreements adopted in The Hague by the most advanced and most powerful countries of the globe.

Consequently, we not only do not combat that adhesion, but procure to give it greater force; we desire to vest it with a grand character and noble; attributes that correspond to the acts of this Congress; we desire that the Conference of Mexico may put an end to its labors by adhering to the said conventions, that form the ultimate point of modern international law. That is the ambition that dominates us; we aspire to place ourselves in touch with the European

continent, by means of pacts distinguished for their absolute correctness, vested with all the solemnities usual in the diplomacies of nations.

In asking the President to accord, at least, the time necessary for mediation and to decide maturely on the subject, we have asked also that this pass to the respective committee for study. How, Sir, is it possible to decide that the most important subject to occupy the attention of the Conference should not be submitted to the same for consideration, even against the fact that there are some who demand it in all justice? For if we were all in accord on the ruling, there would be nothing then to say: but from the moment that we designated the grave inconveniences existing in such precipitate procedure, in view of the fact that this morning, as I have already said, I had to go to Chair in order to ascertain the contents of that document, how can it be asked of us to allow it to pass, when we are not sufficiently acquainted with it to resolve with full knowledge of the cause sought to be effected? Our petition is of such a legitimate, so perfect a character, that I fail to comprehend how it can be disattended; nor do I comprehend either in what would result impaired the importance of the document presented to the Assembly in allowing it to be submitted to its report and revision, for, on the contrary, like formality will augment very much the importance that the protocol of the fifteen delegations as in itself.

The Chilean delegations only desires that in the procedure there be shown judgment and maturity. This has been the only motive that has impelled us, in soliciting from the Congress that it comply with the reglamentary provisions.

*His Excellency Mr. Bello Codecido, Delegate from Chili.*—In turn, Mr. President, I ought to refer to the remarks to which we have listened with so much pleasure from our honorable colleague M. Pineda.

His Excellency defending the ruling that the Chair has sought to give to the document forming the subject matter of this debate, sustain that this is a mere question of ruling, and starting with such antecedent has arrived to the conclusion at which he ought logically to have arrived. In the session of the morning, I had an opportunity to make some remarks that demonstrate that at this moment it is not a question to decide upon a point of mere ruling, and I am obliged to insist upon those considerations, in order to arrive at a conclusion entirely opposed to that at which Mr. Pineda has arrived.

It seems to me, Mr. President, that I do not need to exercise great effort nor utter many words, to demonstrate that the question we are discussing is not one of simple ruling; it suffices me sobely to refer to the debate during the hours that we have been in session, to prove that there is here a deep and important question, and that discussions like the present one are not introduced and developed unless there are powerful reasons to believe that said question merits all due consideration by the Conference.

Why should not the question now occupying us be vested with importance, when there has been presented to the consideration of the Assembly a project signed in great part by almost a totality of the Delegations forming it, in which note is made that the declarations signing desire that the Congress, that is to say, that all the Delegates of the American nations adhere to the conventions that in matter of arbitration were sanctioned by the Conference of The Hague.

This is the point made. It is said that a considerable majority of the Congress has realized that fact, without necessity of the Congress taking it into consideration. I do not comprehend, Mr. President, how a majority of the Conference can, outside of it, agree to and consummate an act that comes within the sphere of action of the Assembly, in which the latter has nothing absolutely naught to do with that act.

This is something that nobody can comprehend. If the Congress has been convoked to make certain resolutions in regard to arbitration, to the Pan-American Railway and in all the rest enumerated in the programme, how can it be comprehended that almost a totality of the delegations agree to something outside of the Conference and then sends to it such agreements, in order that the same may be sent to the Secretary of Foreign Relations of Mexico? Is that the object for which this Assembly has been convoked? If it is, then it was not worth while to have called us together; it would have been sufficient for the Governments to have celebrated international pacts in order to consummate those acts which to-day are brought solely under the title of news, without necessity of convoking in this city an American Congress.

The Honorable President may see how this question of mere ruling comprises and embraces the gravest question among all those that figure in the programme of the Congress.

Now, let us analyze the communication that the Conference has received.

Original facts of which I ought to make a passing note: fifteen delegations address a document to their colleagues, that is to say, to two delegations since if the fifteen have agreed upon a thing, to whom do they communicate it? Surely to the two that did not agree to it. We are then in the presence of a document addressed by those delegations that are colleagues of ours, so that two, those from Chili, and Equador, may take the same into consideration. How can it excite surprise then, Mr. President, that those two delegations object to the procedure of their colleagues, analyzing it and arrive at the conclusion most natural and necessary? I am going to do such a thing.

The members of the fifteen delegations, our distinguished colleagues, say that they have signed a protocol, by virtue of which the countries that they represent desire and seek to arrive practically to adherence to the conventions of The Hague. Then they add that they entrust to the governments of the United States and Mexico the charge of negotiating the adhesion of the nations of America; finally, that they remit that pact, that protocol to the Conference, in order that the latter may send it to the Minister of Foreign Affairs of Mexico, with the object in view that, following the indispensable procedure that the acts of the delegations composing this Conference may obtain to all obligatory efficacy with respect to the Republics that have designated them, that said resolution may be duly executed.

In consequence, us document ought to be sent by the Congress to the Department of Foreign Affairs of Mexico. It is no longer a question of fifteen delegations, but a question also of the two that did not concur in the adoption of that agreement, but which form a part of the Conference. We have then, as members of it, the most perfect right to know what responsibilities we assume in effecting the solicited sending of the document, the matter here in debate.

The note of our honorable colleagues imposes upon the Conference the obligation of sending that document to the Department of Foreign Affairs: but prior to pledging ourselves to that obligation, we ought to gauge the responsibility that it may bring upon us. If we send a pact of arbitration, with the basis of which we are all in complete accord, for it has been said and repeated in the debate that all the delegations accept the treaties of The Hague, we ought to send it sanctioned with the unanimous vote of the Conference.

I will leave the point of the question and once more limit myself to the procedure. It is desired that the Assembly, without pronouncing itself, send fully, unaltered the pact to the Foreign Office. Can the Conference do this? Can the Delegations of Chili and Ecuador send to His Excellency Mr. Mariscal a pact that has not been studied, that has not been analyzed in detail, that has not been approved by the Congress, and even tho it has merited the very respectable assent of fifteen delegations, lacks the official sanction of the Conference? The delegations of Chili and Ecuador desire to send it also to the Department of Foreign Affairs, but with the official sanction of the Assembly. Here lies the only difference.

It has been said, and here I have to take note of the arguments of my distinguished colleague Mr. Pineda, that the protocol of the fifteen delegations ought not to be examined by the Conference. By whom then should it be? If it ought not to be examined by it, for what purpose is it sent? If we do not make that examination at the moment at which the protocol is read, how can we permit it to be sent in its name? And when will we examine it? What is the proper time to discuss if that pact ought or ought not to be sent, if the form in which it is remitted is or is not correct, if the procedure proposed is or is not well directed? I do not know then when that opportunity will arrive; we have profited by the only one presented: when it is read, when the Chair wants to dispatch it. For this reason we say: before it is dispatched, let us study it sufficiently, for we have to adduce certain changes, with the greater right in view of the fact that it is question of a communication, it may be said, addressed to the Delegations of Chili and Ecuador.

It is, then, Mr. President, perfectly timely that we examine that document; it is perfectly rational that we express our opinion in the sense that, the project being acceptable in debate, reflecting not only the opinions of those signing it, but also of those who have not signed it, it be given the character of an unanimous accord of the Conference. But if no official note be taken of that unanimity, if the project remains as an act realized outside by certain delegations, then it only remains to be said: let the document be sent, but with the understanding that the delegations that have not signed it contract no compromise nor responsibility whatever. But such is not the case. Here we find ourselves in the presence of a pact the primordial object of which is accepted by all the countries concurring at the Congress, and notwithstanding it is not desired that the latter pronounce upon it. I would like to have a plausible reason given me, explanatory, of this act: that in the face of the existence of unanimous accord with respect to a resolution so important as that of adhering to the Conventions of The Hague, it is not desired to declare such adhesion in reglamentary and official

form, as all resolutions of the Congress ought to be.

On the contrary, Mr. President, if there be denied us the right to discuss the document, to observe and recall that it is intimately related to the project that the delegation of Chili presented before the opening of the session this morning, and to insist that both obey the same end, how can we expect to arrive at a correct and suitable resolution? A pact will be remitted to the Department of Foreign Affairs in the name of the Conference; there would remain pending another pact completely analogous to the former, and this latter, which would be discussed and approved, in case no one opposes it, would also be sent to the same Department, the result being that the Department would find itself confronted with two projects, which, while redacted in diverse form, result absolutely identical in fact.

In reality, Mr. President, I am perplexed in the presence of so anomalous and strange a situation, as the one in which we unfortunately find ourselves. If the object of the pact that has been read were foreign to the matters with which the Conference ought to deal in compliance with its programme, there would be some explanation of the fact that it is sought to pass the said pact thru the Assembly without examination; but it would also be very rare that a matter reach the Congress in which it ought not absolutely to engage. But since it is question of one of the most important chapters of the programme of the Conference, a chapter that it ought to discuss and resolve, it causes veritable surprise that this point, of such profound gravity, be not directly resolved by the corporation. It is declared, however, that it should be resolved by means of the presidential ruling. It follows then that the Congress does not dictate resolutions, but resolves with the fact of not dictating it. Within the hall it does not resolve, but does outside of it. To explain such a counter-sense, the argument is adduced with insistence that a majority has consummated the act the irregularity of which we combat.

I need, gentlemen, only to refer to the proposition that with so much good sense has been formulated by our distinguished colleague General Reyes. He forms a part of the majority that signed the treaty; but as he does not desire to place a majority in contradiction with a minority, the proposition to which I refer, emanating from one of the members of that majority, indicates that it is not sought to discuss the principle, but to regulate the procedure, which almost excuses me from manifesting that the observations addressed to our honorable colleagues who have signed the pact, does not imply a reproach for them, for how can we reproach them for doing what we, as regards the principle of the matter, desire to do also? It is our desire that the procedure adopted, issuing from all that is just, that disregards the Rules, be regulated here, and this is what we ask: that the Congress sanction what is obliged to sanction, that is to say adhesion to the conventions of The Hague, and with greater reason in as much as that adhesion already has the force of the unanimous accord of all the delegations.

Consequently, returning to the point of commencement, I think that these reasons, lightly expressed, suffice to demonstrate that we do not find ourselves in the presence of a simple question of ruling; that there is something more grave at the root of all this, something that merits careful study on part of the

SESSION OF JANUARY 26, 1902.

The session being opened, Secretary Duret read the proofs of the preceding session and said:

The Secretary begs the Conference to excuse him for not presenting the printed minutes of yesterday's session, for the reason that the printers have not had the time necessary to do the work. In to-morrow's session it will be presented.

*Secretary Godoy.*—Does the American delegation dispense with the reading of the minutes in English?

*His Excellency Mr. Buchanan, Delegate from the United States of America.*—We will dispense with the reading with the consent of the Conference that we be permitted to corrections may be made in those parts referring to anything that may have been said by this Delegation.

*His Excellency Mr. Matte, Delegate from Chili.*—I rise to speak, Mr. President, in order to call attention to the convenience of deferring approval of the minutes to the next session, by reason of the opinions manifested by our colleague the Honorable Mr. Buchanan and, at the same time, because we have not had an opportunity to examine with regard to the fidelity with which it is redacted. As the points touched upon are verily delicate, it seems to me that it would be well to reserve approval until to-morrow.

*Mr. Buchanan.*—I did not refer particularly to the translations. I only desire to reserve the right so far as it concerns anything that this Delegation may have said.

*His Excellency President Raigosa.*—The Chair has no objection whatever in accepting the idea conceived by their Excellencies Messrs. Buchanan and Matte. Consequently, approbation of the minute is reserved for the next session, and there will be passed to all the honorable delegates who have spoken in the preceding session, the stenographic version of their discourses, so that they may make therein all the annotations and corrections that they may deem pertinent.

Discussion upon the ruling of the Chair is continued. His Excellency Mr. Carbo has the floor.

*His Excellency Mr. Carbo, Delegate from Ecuador and the Dominican Republic.*—I asked for the floor at the last session, Mr. President, for the sole purpose of supporting the motion of the delegation of Chili, for I think that it solves or reconciles the difficulties that we are encountering at the present moment. Being, as we all are, in accord regarding adhesion to the treaties of The Hague, I think that the best solution that can be made, is that the Conference adhere to this convention, giving thus to the protocol of the fifteen delegations the importance that it merits.

*His Excellency Mr. Pablo Macedo, Delegate from Mexico.*—I commence, Mr. President and Fellow Delegates, by asking pardon if before the Chair makes known the ruling upon the proposition presented during the last moments of the session of yesterday by the Honorable Delegation of Chili, I make a few remarks in regard to it. I do not understand, by this that there has been any failure in the observance of our Rules, that has been compared to a constitution; and such it is, in fact, and it is the sancta sanctorum upon which no one ought to lay hands, for otherwise the deliberations of this Congress would be fruitless, and we would be sailing without a compass, without knowing whether our vessel is going to be cast upon the shore or broken upon the rocks.

Assembly. It is necessary, then, breaking the bounds with which it is sought to oppose a noble and elevated debate, that we arrive at a conclusion in the matter, to which logically and perforce the Conference must arrive.

The delegation of Chili is disposed, Mr. President, to facilitate and simplify, in all dependent upon it, the resolutions of the Congress. It has presented, it is true, a project whose form is distinct from that of the one already read, but which is directed in principle to like ends and purposes. The delegation, in whose name I speak, has not the intention nor the caprice of thinking that it is the form of the project that ought to prevail: it is sufficient that the ideal of that same project be realized. There is only a slight difference in redaction: we are in accord as to the principle and the object, and consequently, the delegation of Chili, in order to simplify the debate and to facilitate the resolution of the Conference, has the honor to present the following proposition:

«The Chilean Delegation takes as its own the project of adherence to the Convention of the Hague signed by fifteen Delegations and submits it to the consideration of the Conference, in order that as soon as it may be approved it be sent by the Secretary to the Department of Foreign Affairs of Mexico. (Signed) *Alberto Blesi Gana.—Augusto Matte.—Emilio Bello Codecido.—Joaquín Walker Martínez.*»

This motion will permit the Assembly, Mr. President, to dictate a unanimous resolution on the same thought, on the same principle that has dominated and dominates all of the members; the fact of having formulated the preceding motion, does not signify that the delegation of Chili does not maintain the preamble of motives that precedes its project, for one may refer perfectly to the one read in this session, and which we have just made our own.

*His Excellency the President.*—I ought to make a statement to the Assembly and which is the following: Article 5 as amended of the Rules, does not concede the President more than two hours for the session of the afternoon; the hour has passed and there are important propositions, the one presented by the delegation from Chili, which undoubtedly will prolong the debate. Desiring that this discussion may have the amplitude that it ought to have and at the same time that there be taken into consideration a motion of order that has been presented to the Chair with priority by the Honorable Mr. Macedo, in that the session continue to-morrow, morning and afternoon, I have to give preference to this motion of order, and the secretary will the Assembly if it desires to authorize that there be a session to-morrow. The Secretary will read the motion.

*Secretary Macedo.*—The proposition to which His Excellency the President has referred, states:

«January 15, 1902. I respectfully ask the Conference to accord that to-morrow a session be held, in the morning as well as in the afternoon. (Signed) *Pablo Macedo.*»

The question having been asked if the same would be taken into immediate consideration, the Conference replied affirmatively, by unanimity of votes, and without discussion the motion was approved unanimously.

*His Excellency the President.*—The pending discussion will be continued at the session of to-morrow, at the accustomed hour, His Excellency Mr. Carbo having the floor.