

It is true that there are radical differences in the policy followed by some nations, and so, by what right should any one coerce the others in order to impose the solutions that it may want? The Argentine Republic accepts obligatory arbitration, has always advocated it; has followed several arbitral judgments, some favorable, others not; well founded in some cases, ill founded in others; but not because that is its policy and its tradition, would it impose and insist that others accept the same policy and the same tradition.

And now, in this situation, how to arrive at an arrangement, how reach an understanding is the question. Since the celebration of the former Congress, opinions have been perfectly defined, as will be recalled. Meanwhile, in commencing to celebrate here our sessions, we found that among other nations, the United States that serves as model for the others, through circumstances that are not opportune to mention, supported exclusively the acceptance of the conventions of The Hague; others, among which is the one I represent, said: that is not sufficient—and if occasion were to present itself to discuss it, I would prove it with all the rigor of evidence—that is not sufficient, we want to go a little farther, establishing obligatory arbitration, taking a step more toward arriving at a practical solution, because between a rational means of solving the questions and of arriving at a solution and violent measures, in moral criterion the disjunctive is out of place. This is then, the solution; the groups of states that sustain each one of those opinions, contract among themselves compromises that are in accord with their ideas.

This was done. After having tried at the meetings of the Committee on Arbitration, as the Honorable Delegates well know—I do not now recall at whose initiative, but believe at that of the honorable delegate from Paraguay,—that we commenced here to discuss amply the question that brings us here; after having endeavored to obtain this without result, a sub-committee was constituted of which I also had the honor to form a part. Neither has that sub-committee been able to arrive at a solution, in which there is nothing strange, for when a matter is undertaken with excessive formality and too much hesitation, when things are exaggerated, with difficulty is any result attained; it is necessary to consider them with a certain equanimity, for they are rendered more grave when given a greater importance than they really possess.

Then we said: if these diverse opinions can be reconciled, if the adherence to the conventions of The Hague is not an inconvenience for those who believe that this is not sufficient, it is only just that there be signed among these a treaty of obligatory arbitration.

So true is this fact, that art. 19 of The Hague states it terminantly; so true is the fact, that after having formulated the Russian project, under the form of obligatory arbitration, after having been accepted by all without exception, I ask the delegates present to tell me if a single one of the great statisticians in this Assembly, because really, there were united in it men as eminent as Martens, who has been arbitrator in questions between the United States and England, between the latter and Venezuela, etc., in a word, arbitrator of nations, I ask, were there any to oppose obligatory arbitration?

None. Germany alone opposed through her representative Zorn, but, had it not been already favorably voted upon? Opposition was made, with the thought: «I can go no further; I have admitted the Permanent Court, and now permit me to allow the matter to go no further; I withdrew from obligatory arbitration.»

But, be the bottom of the affair what it may, let us examine now the text of the convention. This convention was discussed at length, sagely elaborated; it suffices to read its terms in order to justify the logic of those who would go further. It states in substance more less the following: In questions of juridical order and in first place in the questions of interpretation or application of international conventions, arbitration is recognized by the signatory powers, as the most efficacious means and at the same time the most equitable, to settle litigations that have not been decided by diplomacy.

If then, arbitration is the most efficacious and equitable means, if the most eminent statisticians thus recognize it, is it not logical and rational that we obligate ourselves to observe it, that we make it obligatory?

But it has been said that the delegates have met outside of the Conference to engage in this matter. No, gentlemen, our meetings were held in this very Conference, in the presence of everybody, and it has not been to anyone a mystery that we sought another solution, for in fact adhesion to The Hague was a very simple matter, and this solution was obligatory arbitration. It was necessary to discuss in what form and under what conditions it was to be accepted, and to this was due the fact that we had to hold various conferences in order to uniform opinions.

The truth is, Messrs. Delegates, that we are going to realize a work of great importance, we are going to incorporate into the American policy the two principles, that of arbitration recommended by The Hague and that of arbitration strictly obligatory. We have not met here to return to our countries, simply saying to our governments: we bring a project of adhesion to The Hague, for we will receive as answer that for that we would not have been sent thousands of leagues, as each country could itself incorporate certain conventions and solicit admission with respect to others.

Is that to be the only result attained by the nations of America after deliberating three months? It would not justify the reunion of a Conference; it would have sufficed to have advised by wire, that there exist conventions open to adhesion on part of every power that solicits it. And then the delegates of various nations, said to us: if we can go further, if it is possible to uniform opinions in a treaty of obligatory arbitration, why should we not by that means assure the peace of nations.

It cannot be said that even the suspicion exists that our propaganda and our ideas can be influenced by the advantages that might be derived from the solution of any difficulty with any neighbor whom it is sought to contain. No, Sir. The Argentine Republic has no question pending to which this pacific means of solution might be applied, and on this point I need to make a rectification to the affirmations of the Honorable Delegate from Colombia.

That gentleman said, with all the authority that his practical knowledge gives him of the central region of the continent, that if this congress failed

to decide the question of arbitration, if it failed to attend to it in a precise manner, especially in matters relating to questions of limits, that at a no distant date it would prove cause for interminable wars among the nations of South America. It was not necessary, in listening to him, to look at the orator to know that it was the delegate from Colombia, who thus sustained the necessity of arbitration as a pacificatory means on this continent, as it was that country that recognized it in its greatest amplitude, in the Congress of 1890, and initiated it in the treaties of 1823.

But the honorable delegate, after indicating the uncertainty of boundaries between the nations in the central region, added erroneously that the Argentine Republic still sustained question in regard to sovereignty in the territory of Chaco.

As I have stated on another occasion, our country has already defined its territorial limits on all sides and the only boundary still in controversy is now pending the decision of an arbitrator.

As regards Chaco, it has already been delineated by an arbitral decision respects the Republic of Paraguay, and a transaction relative to the part in question with the Republic of Bolivia.

Otherwise, Messrs. Delegates, the representative of Colombia is perfectly right: in order not to engage in an entirely fruitless labor, in order to arrive at a practical result, we ought to foresee the conflicts that will arise later with the multiple and vexatious questions of territorial sovereignty in that central region of South America, subordinating them at once to the decision of a judge, as rational means of solution.

But I do not wish to take up longer the attention of this Assembly, and to terminate, I will confine myself to the negotiation of the two treaties, submitted conjointly to the consideration of the Conference.

There had been found then the conciliatory measure, and at the end of December last, several delegations signed a treaty of obligatory arbitration: beginning with the north, the delegations of Mexico, Guatemala, Santo Domingo, Salvador, Venezuela, Peru, Bolivia, Paraguay, Uruguay and Argentine Republic. At the same time we signed the declaration that has been read, adhering to the conventions of The Hague, whereby American law realized a great progress, because the work of The Hague, does not consist solely in its recommendation of arbitration, regimen of mediation and tender of offices and in the permanent court. Adhesion comprises also the conviction concerning the laws and customs of continental war, which although formulated since 1874, in the Conference of Brussels, had not been until now ratified, lacking thus legal authority.

Formulated those laws, as a satisfaction to the heated controversies aroused by the excesses committed in the war of 1870, they prove of interest to the American countries, for if only in peace ought progress be sought as well as public welfare, there is no guaranty that a state of war may not be produced among them, that might be advantageous for all to formulate the rules of hostilities.

Our adhesion also comprises the convention sanctioned in The Hague to adapt to maritime war the principles of the convention of Geneva of 1864. It is true that it cannot be said that these humanitarian

rules, voted in the Congress of the Hague, were unknown, as they had been already formulated in the Second Conference of Geneva, assembled in 1868, but no one ignores that they had been preserved in form of a simple project, for lack of ratification.

Uniformed thus, gentlemen, in an ample and conciliatory solution, having been able to fuse all antagonistic tendencies into two projects of conventions that, substantially alike in many of their principles, only differed in the compulsory character of arbitration, what did we do? All the Honorable Delegates know. These delegations that formerly named, especially those of Peru, Bolivia, Venezuela, Paraguay and Argentine, called for the following: that the Committee of Arbitration present the following dispatches corresponding to those two projects, to be discussed and voted on in the Conference, even when it was comprehended that it was not to be supposed that discussion would be raised on two dispatches respectively subscribed, and for that reason definitely accepted, one by the majority of the delegations and the other almost unanimously.

But it seems that it is wanted to initiate that debate, and I ask, are there any here to whom it occurs that the Argentine delegation can elude? The very suspicion would be absurd, for since arriving here it has manifested in its statement and verbally, its ideas with the greatest frankness. We have said openly: this is what our country thinks, this the object of our negotiations; ample, obligatory arbitration as guaranty of peace and of the tranquillity of these peoples; the arbitration recommended jointly with mediation and tender of offices, for the States that consider that such a one is dangerous; provided and in all cases, the rational means, the only ones that can assure justice, be used to avert violence in the relations of the States.

The idea cannot then be entertained by anyone that the proposition was to bring in surreptitiously a project to elude its examination or mislead the others.

But what was there to elude? that the pacts celebrated in The Hague be discussed? No. Since we are all in accord in accepting them, nor is it a question of the principles of those pacts, but of simple adhesion, to which may be added that they have been prepared by the men most competent in public law now in existence. Is it wanted to discuss the other pact of obligatory arbitration? Gentlemen, one may discuss and deliberate while there is a possibility of changing propositions and resolutions; but with reference to a treaty signed by plenipotentiaries that have precise instructions from their governments, there would be revealed a desire to raise difficulties in the way of every kind of solution.

I had always believed and thus have manifested that the procedure that through the solicitations of Mexico and the United States we had accepted, that the bringing before this Congress of the two projects signed had the acquiescence of all the others, that it was sought not to mortify anybody, there were not in reality either vanquished or vanquishers, that each one might preserve the liberty of his acts, signing the convention that responded best to his instructions.

But the honorable delegate from Chili said in termination that he waived his opposition to the ruling out of deference to the Mexican delegation. And, gentlemen, that was precisely what we had

done, at first with some violence. We had manifested in union with several delegations, the desire that the question of arbitration be amply debated; but the Mexican delegations was of the opinion that the theme was very slippery, as I have said in commencing, that there might be created serious difficulties and violent collisions originated in the discussion of questions of more or less palpitating interest, that it was desirable to avoid. What else could be done, than to accept the action proposed out of deference to this country, for the honor that we received in being so hospitably and kindly entertained? What else could have been done than what was done? For my part, Messrs. Delegates, I do not repent of having proceeded in this way.

His Excellency the President.—The reglementary hour having passed, discussion will be continued to the afternoon session at the usual hour.

SESSION OF JANUARY 16, 1902.
(Afternoon.)

His Excellency the President Mr. Raigosa.—Discussion regarding the ruling of the Chair will be continued.

His Excellency Mr. Pablo Macedo, Delegate from Mexico.—Sir: I will commence by deploring very sincerely that the Honorable Chilean Delegation does not consider it within its power to accept the proposal that in the best of faith I had the honor to present to it during the session of the morning.

I understand, Messrs. Delegates, that each one of us is judge of his own powers; I recognize this absolute right in each one of the delegations here present, and I will not enter, for this reason, upon a qualification of the judgment that as to its own has been pronounced by the Honorable Chilean Delegation. Gentlemen, we have claimed equal right, we think we have the power to revindicate also the independence of our own judgment, and to qualify from our point of view whether what we have done is well done or not, for, as the Honorable Mr. Buchanan has well said, each one of us is responsible before his government, and after his government before his people: these are our only judges. I respect this point of view; I will limit myself to state my profound regret that the Honorable Chilean Delegation had not divested from its adhesion to the Treaty of The Hague the restrictions contained in the form as presented; and I will no longer occupy the attention of the Conference, nor would I prolong this debate that has already lasted four sessions, if it were not for the circumstance that I find it necessary to justify the work in which the Delegation of Mexico has participated, the labor, that has been rendered clear, of fifteen of the Delegations here present.

But first, Messrs. Delegates, allow me to make clear some of my expressions uttered this morning.

When I said that the Rule was not a fetish, I did not wish to be understood as declaring, an ideas most remote from my mind, that the ruling of the Chair and the proceedings, in any manner go against what is written in that respect which if my friend Mr. Walker Martinez wishes called *sancta sanctorum*, *sancta sanctorum* we inviolably will call it. I thought that this point was already cleared, that it was already demonstrated that Article 10, invoked against the procedure of the Chair, was not applicable to the case in hand, for within that same article

and another of the Rules, it is justified, that when any delegation wishes to address itself to the authorities of this country, that it do so through the medium of the Conference.

It was not, gentlemen, from this aspect that I said the rules of the Conference could not be intangible, for I have already declared that in my judgment we are expressly, clearly within the procedure of our Rules; I wish to refer to the infraction that I thought I committed and for which I asked pardon of the Conference, separating a trifle from the question in debate and entering upon an examination of the Chilean proposition, before the Chair had manifested the ruling that upon the proposition had to be made. I referred to this and to no other question.

And in taking up the main principle of the debate, as it has been established, I find myself under obligation. Messrs. Delegates, to declare that the work read here yesterday, and now filed with the Conference, is not a work created in the lobby, nor shameful. No, Messrs. Delegates, it is a work made before the face of the entire world. I am glad that voices of greater authority than mine, like that of the Honorable Mr. Buchanan and that of Mr. Bermejo, have stated clearly, simply, openly the procedure by virtue of which there has reached the Chair and brought to the knowledge of the Conference, the project of treaty that has provoked this discussion. I need not repeat it; allow me only to say that I ought to present the most sincere gratitude in my own name, in the name of my delegation and I believe in that of my Government and of my people, to the Delegations that want to go further, that have gone further than the Treaty of The Hague, for the moderation and prudence with which they have brought this question into the Conference, for its consideration. This, Sir, demonstrates a benevolence, a deference so great, that—I repeat, although I speak solely in my own name, yet I believe that I interpret the ideas of my companions of delegation, of my Government and of my people—they merit especial thanks, which I think it only due to tribute to those Delegations.

And this is not done for the reason that here some are hostile to the labors of others. No, Sir, I signify this very clearly this morning; here none work against the others, here each one acts within his own criterion and the convenience of his people and of his Government, to the common labor that all humanity is desirous of realizing, abolishing the violent conflicts to substitute them with the tranquil conflicts of reason. In pro of what cause? In pro of a cause that none can repudiate, in pro of the cause of human civilization. And this, Sir, by preserving towards one another all due respect, avoiding all due respect, avoiding all cause for bitterness, all that might be incentive for friction. I accept as mine the words of the Honorable Mr. Buchanan, I accept as mine the words of the Honorable Mr. Bermejo: and if we proceed thus, Messrs. Delegates, it is because here resounds no expression of bitterness nor of discord, but we all journey together toward the realization of that work that the Honorable Mr. Walker Martinez called this morning American love between us all and which I qualify as confraternity with the inhabitants of that old world from which we cannot divorce ourselves, for to it we owe our tongue, our ideals and our civilization complete, that is to say, the work of universal confraternity.

That we are bent, Messrs. Delegates, on that this Conference fail! How can it fail? In what manner? What has united us here? We have united here for the purpose of drawing nearer together. Have we not drawn closer already? Have we not celebrated already, one may say, six treaties upon six most important points? Has not the moment arrived for us to establish the unquestionable, undeniable fact, before which we cannot close our eyes, that all the nations here congregated adhere to the treaties of The Hague? And it results, as Messrs. Buchanan and Bermejo have said, that some of the nations here united go a little further in that ample field of fraternity, opened by the treaties of The Hague. We, Sir, who see things in a determinate manner, believe that the interest of our people and of our government should carry us further than the treaties of The Hague, we seek that end with pleasure, deploring the fact that others do not accompany us; but at the same time we do not wish to impose anything upon any one. I have already said so this morning; the approval signifies nothing here except that three, four, fifteen adhere to one idea united in that consent, and nothing more. But in degree as we respect others, I do not think that we are asking anything exaggerated in soliciting that we be respected.

And now that we are speaking of this, I trust my honorable friend Mr. Walker Martinez will permit me to signify in unpolished phrases but in clear manner how grateful the Mexican delegates are for all the deference that he has shown towards us; but at the same time we wish to say to him that he who exercises his rights offends no one, and we would most earnestly solicit him to recognize in Mr. Raigosa, our president, not the president of the Mexican delegation, but to look upon him as the director of the debates of this Conference, who, as some honorable delegate said yesterday, (I believe it was Mr. Walker Martinez) does not belong to himself, but to America; presiding over this assembly, he is not a Mexican, and one does not offend him, nor will we as Mexicans take it ill that the honorable delegate from Chili, or any other, cast his vote against the President on this question; he exercises his right, as it is consigned clearly in the Rules, which has been qualified by Mr. Walker Martinez as a work of the Mexican delegation, but which in reality is work of the Conference. In this collective labor we have all sanctioned the right to revise the resolutions that the Chair may pass upon.

Thus, Messrs. Delegates, you do not offend anyone, neither the President, nor other persons, and much less Mexico, in sustaining other opinions than those professed by Mr. Raigosa. Gentlemen, use your liberty, it is a right, and as I have already said, the use of liberty and of right offends no one. Who can feel offended because the Honorable Chilean delegation has dissented from the opinions manifested by the Honorable President, in that the document now in question before the Conference pass, as asked by those signing it, to the Department of Foreign Affairs? What difference does it make, gentlemen, that the Chilean delegation abstain from voting against the ruling of the Chair, in the attitude that it has taken?

We the Mexican delegates, Sir, declare sincerely, that such act does not offend us, and to conclude I will repeat what I have said already: he who uses his right harms nobody, and Mr. Walker Martinez

has a perfect right to manifest his non-conformity with the ruling of the Chair. We only revindicate the corresponding right to believe that what has been done by the Chair, in case the resolution comes to a vote, as I think it will, is well done, is within the rules, within the practices of the Conferences, and finally, within the limits of the respect that we owe to one another.

His Excellency Mr. Bello Codecido, Delegate from Chili.—Mr. President: The Delegates from Chili do not desire to prolong this debate, which although of evident importance, seems already exhausted; I will limit my remarks, which will be very brief, to the question of procedure, which is the one that, in my opinion, ought to be solved by the Conference. I will not do so, however, before referring, although briefly, to the words of our distinguished colleague the Honorable Mr. Macedo, uttered at the session of this morning and in the present one.

His Excellency Mr. Macedo in a magnificent discourse, which I trust he will excuse me if I take the liberty to qualify as a handsome paradox, referred this morning to the proposition that I had the honor to present, divided his remarks into two parts, and in the first sustained all that one can sustain, I do not say it as a support or in applause, arriving even to lyricism, in homage to the importance of the conventions approved in the Congress of The Hague.

I have nothing to oppose to that first part of the discourse of Mr. Macedo, since in it he does naught more than to confirm the perfect accord that exists in this Conference with respect to the adhesion of all the American Republics to the conventions celebrated in The Hague; but the honorable gentleman in referring to the second part of the proposition of the delegates of Chili, manifested his desire and insinuated that the Delegates of Chili withdraw said second part, that is the one second part, that is the one wherein it is asked that this Conference pronounce itself upon that adhesion.

Perhaps the contradiction that exists between the first part of the remarks of Mr. Macedo and the second, may justify me in saying that the discourse of His Excellency constitutes a veritable paradox. If on the one hand His Excellency maintains that the Congress of Mexico can do nothing better than to adhere to the Conventions of The Hague, how can His Excellency solicit the Delegation of Chili to desist from its purpose to adhere to those conventions?

Mr. Macedo was congratulating himself that our Delegation had manifested its conformity with the principles embodied in the pacts of The Hague. I can do no less than render thanks for the generous expressions of our distinguished colleague; but I ought to state to Mr. Macedo that we are not convinced at the last hour, that we only cede after having seen the convenience of manifesting our adhesion to those prets. No, Mr. President, our adhesion is prior we obey terminant instructions from our Government and we have come to this Conference to defend and sustain the principles enunciated at The Hague. We have not manifested that adhesion in the form adopted by other delegations, because we esteem that we have no power to do so outside of this place, and that we ought to come here, in the midst of this Congress to express our desires. The powers that we have only authorize us