

tion of the treaty accompanying the note, if such treaty is not under discussion? For, I repeat, this is not a report, it is not an article, it is not a proposition: it is a fact, and facts are not discussible. How then can it be admitted that the modification presented by the Chilean Delegation is to be considered as a modification of a fact?

But in reading the text, it will be seen that they constitute matters of absolutely diverse character, and in consequence, the Chilean proposition cannot be included in the terms of art. 17 of the Rule. This article says: "All modifications proposed shall pass to the respective committee, unless the Conference decide otherwise; and shall be voted on before the article or proposition the text of which it tends to alter."

There being no text that this proposition can alter, it is clear that article 17 does not apply.

I say that in reading the text of the Chilean proposition, even when it is not in debate, there comes to one the profound, undoubtable conviction, that this cannot be considered as a modification of anything, and the demonstration is very simple. The proposition states: "The Delegation of Chile accepts as its own the project of adhesion to the conventions of the Hague, subscribed by fifteen delegations."

In what does this modify, Messrs. Delegates, either the note of remission or the project of treaty, even while neither of them is in debate? In nothing, gentlemen. If precisely the proposition commences by adopting the idea involved in the treaty itself, can this be considered as a modification of the text?

But there is a second part in the proposition, which says: and submits it to the consideration of the Conference, so that, once approved by the latter, it may be remitted to the Secretary General to the Department of Foreign Affairs of Mexico.

Here the proposition changes already, here it takes another course, it is an idea completely distinct from the first, now a modification of the ruling of the Chair is proposed, that is to say, that the project of the Chilean Delegation be the one submitted, naturally in its turn, to the vote of the Conference. Now then, this proposition can either be considered as contrary to the ruling of the Chair, which is the only matter in debate, or it has no connection whatever with the point in discussion, and the Chair in this case understands that the proposition of the Honorable Mr. Bello Codecido cannot be admitted, as regards article 17, because this article relates in no way to the matter in discussion.

I will now make the rectification to which I referred at the beginning.

His Excellency Mr. Bello Codecido indicates to the President that he should not take as ill that discussion be had, not upon his procedure, but upon the procedure of the Assembly; he places the President, personally, outside of the objections made to the rulings of the Chair, and considers that the question at this moment is to see what is the best procedure to be adopted to suit the present case, to attain the object had in view by all the Delegations that have demonstrated their adhesion to the treaties of The Hague. He returns again, irrefutably, to the starting point upon which discussion has been had during the four sessions celebrated in this Congress raised by the note of remission, or, what is the same, the matter in discussion is precisely the procedure

adopted by the Chair in duly ruling upon the note of remission of the treaty; for how can separation be made between the proceedings followed by the Conference, if they are not dictated by the Chair, and the procedure of the Chair? The distinction would be so exceedingly subtle, that it would either not be worth while to consider it, or in fact it would prove no more than an objection to the procedure of the Chair. And this is the truth. Consequently, not being in debate aught more than the ruling of the Chair, upon that point the vote should be cast.

I am going to make another rectification, that shall be final. His Excellency states to the Chair that it should not be taken as ill that its procedure be discussed. The Chair is of the opinion that it has demonstrated to the Assembly by its acts, and appeals to the sense of justice of the same, the complete and full liberty of action and of speech allowed the learned orators who have taken part in this debate, and in comprobation will read the minute of the times that this question has been raised: Messrs. Walker Martinez, Matte and Carbo have had the floor four times, Mr. Buchanan four times, Mr. Bello Codecido three and Messrs. Blest Gana and Macedo twice, and once Messrs. Pineda, Bermejo and Alzamora.

It will be seen, then, that this debate has had an amplitude that in political parliaments is unknown, but an amplitude that accords perfectly with the intention of the Chair, in allowing the greatest liberty in discussion, as a token of respect merited by all the honorable members composing the Second International Conference.

*His Excellency Mr. Blest Gana, Delegate from Chile.*—As the honor corresponds to me, Mr. President, to make some rectifications, with reference to the procedure of the Delegation of Chile on the subject of arbitration, I will begin by saying that it takes pleasure in recognizing the fact that the most ample liberty of speech has been allowed in treating this subject.

In recognizing this act of justice with regard to the attitude of the President, I ought to state that I am not going to deliver a discourse in detail regarding the amplitude enjoyed in this debate; I desire to summarize in the briefest manner possible, just what has been the desire and the intention of the Delegates from Chile, in assuming the attitude that we have assumed in the question under discussion and in demanding the ruling that seemed to us proper for the solution of the same.

Consequently, the Delegation from Chile declares, that it was not its intention to bring into debate the problem of arbitration; that it has listened with pleasure to the very eloquent discourses pronounced in enlogy of the principle adopted by the Conference of The Hague; that it has considered at moments that this debate, drawn from the orbit within which it should revolve, has extended beyond its natural limits; that a certain phase of the principle of arbitration has been touched upon, that would have been very well in a general discussion upon this subject, or better said, upon the adhesion or non-adhesion to the principles of The Hague; but that in the present case, in no manner has it seemed to us pertinent, because what is discussed is the mere appreciation of the motives that impelled the Delegates from Chile to demand from the Chair that

it suspend its ruling and open way to the Chilean proposition.

What was that way? In this particular, I ought to direct myself in very few words and without any polemic spirit, to the Honorable Delegations of Argentine and Peru, that with so much brilliancy have discoursed in these latter sessions, and state to them that in indicating the course to be pursued, in our judgment, in the proposition presented to the Assembly, it was never, nor have we so manifested, our expectation, that the question be passed to the Committee in order that it might discuss the basis of the principle of arbitration. We have been enemies of that discussion, and my honorable colleague Mr. Alzamora knows very well that from the commencement, with all the urbanity and refinement with which we have been received, we manifest distinct opinions, but without expressing them clearly as regards arbitration.

It was not our animus, I repeat, to provoke discussion upon arbitration; our only intention was, and we believe it honorable and elevated, that this grand principle of arbitration, it was understood and proclaimed in The Hague, should be recognized by all the nations here represented and should bear to the world the expression of the voluntary and unanimous desire of the Assembly, to which I have the honor to belong.

It was not a debate that we sought, for all know, as Mr. Alzamora has well said, and as expressed very appropriately by the Honorable Mr. Bermejo, that we were in accord on this principle. It was for this reason that we stated. If we are all in accord, why not proclaim it, why not vest it with the respectable sanction of the Conference? That was our question.

Now that the Honorable Mr. Alzamora has seen fit to arise and rend the veil of the negotiations that have taken place outside of this Conference, for the purpose of obtaining an agreement upon this most difficult question, I have the honor to manifest to the Assembly, that Chile has not contracted any compromise, that it has esteemed sincere and earnest the efforts made by the Honorable American representation and by the Honorable representation from Mexico, to essay to obtain an agreement, recognizing as a basic principle the noble purpose of the Mexican Delegation, in procuring by all means and by all possible resources the mode of proscribing every vexatious question and to attract the concurrence of all opinions in a general project of arbitration. But the Delegation from Chile had naught to do nor to ask concessions relative to the Mexican project, nor did it contract any compromise, for it expressed loyally and frankly its opinion; from the beginning it stated that it would lend its aid and manifested its solicitude that all in this Assembly should concur to the end and to the noble proposition that caused this Conference to be convoked, that is to say, to close the bonds of union in all America, to eliminate any subject that might divide opinions and to offer to Congress the opportunity to terminate its labors and realize the fervent aspirations of the Republics in it represented; that in this sense as I have said, the delegations of the United States and Mexico should co-operate, in all possible, to attain to the ends sought. And it that attitude, which from the commencement had been adopted, and from which it was not desired to de-

part, we declared to the representatives of said two nations, that to us it seemed as if the conventions of The Hague ought to receive a worthy sanction, not only from this Assembly, but in correspondence with the purpose for which it was convoked. We did not discuss, therefore, nor infringed upon the opinion of anybody, nor denied to any of the other delegations the right to formulate their desires in the form that appeared to them most convenient, provided—and this was an indispensable condition—that the harmony with which we ought to carry to a happy termination our labors be not perturbed.

What did the delegation of Chile do when yesterday the moment arrived to read the protocol, and finding itself confronted with the communication that accompanies it? What did it do. I say? To ask, since fortunately there was unanimity of opinion, that those opinions be united and fused, those expressing themselves by means of the communication and those manifesting themselves in form of project of convention, that they group themselves, I repeat, in a fraternal and official concourse, to vest with the unanimous vote of the Conference adhesion to the Conventions of The Hague.

Now, if I say that the debate has overleaped the bounds of that restrictive situation and has engulfed itself in considerations with respect to the elevated purposes of arbitration, it is not my fault. I repeat that I have heard with pleasure the notable discourses that have been pronounced upon this matter, but I think that it was not entirely circumscribed to it; I think that those discourses overleaped the limits outlined by the nature of the business, and which launched us into a discussion of a principle that was not under discussion.

I would like, Mr. President, to say a few words, to sum up the situation and explain the attitude of Chile; but the desire be clear and to manifest that the delegation of Chile is animated only by conciliatory and fraternal sentiments towards all of its colleagues of this Conference has caused me perhaps to extend my phrases more than I intended; but when one speaks and commences to bring to memory all the opinions that have been produced in this debate, it is difficult to resist the temptation to mention them.

I will make a passing declaration: in this Assembly, it has been stated, directly or indirectly, that there might be some delegations who have cause to feel offended. I think that in seeking the union of all these opinions, upon attaining it, but unfortunately as yet without having produced accord in form, there have not existed animus in any of the Delegations to offend others. This has never been the purpose of the delegation from Chile, and I take pleasure in recognizing the fact that the temperance in the phrases of all the Honorable Delegates who took part in this discussion, has done naught more than to contribute, in a manner that honors all of us, that this debate have only the propositions of a discussion of principles and not the character of a statement of opinions launched by some against others.

Chile has not desired to debate upon the question of arbitration; Chile has desired solely that the Assembly pronounce itself, in the form that we feel it should be done, that is to say, by the unanimous proclamation of the Conventions of The Hague, by the Second American Congress.



In this sense, Chili maintains the proposition that she has made, and if the Honorable President thinks that he ought not to give it preference, we will make no question of it, we will not provoke a new debate upon this subject, already so extensively discussed. We will conform ourselves to the decision of the Chair, but leaving as matter of record that we maintain our project in the form in which we have presented it.

*His Excellency the President.*—Discussion will be continued upon the ruling of the Chair at the session of tomorrow morning, at the usual hour. We will adjourn for the day.

SESSION OF JANUARY 17, 1902.

*His Excellency the President Mr. Raigosa.*—Discussion will now be resumed upon the ruling of the Chair.

*His Excellency Mr. Guachalla, Delegate from Bolivia.*—I arise with pleasure to render thanks to the illustrious Mexican, and by many titles respectable and distinguished colleague, the Honorable Mr. Pablo Macedo, for the generous expressions with which he has done justice to the attitude assumed by the ten delegations that have signed the treaty of obligatory arbitration, that is to be read sood; and I believe that I interpret also the sentiment of my honorable colleagues, to whom I refer, in making public in its name and in my own, the expression of our sincere gratitude. Bolivia, and it is necessary that it be stated once again, has not come to this Conference to represent the part of litigant, as I have said from the first moment, on divers occasions, neither to complain against anybody, nor to ask anything for herself, but for all the nations here represented; she has come to the common labor with the same spirit of Americanism, permit me to use the word, that I am pleased to attribute to all of my honorable colleagues. She brings no egoistic interest, because her only interest is peace and concord, which ought to really exist in the American family. Obeying this unique purpose, and as representative of Bolivia, I have never sustained long discussions, nor pretended to impose my ideas, for the reason that I respect too much those of others. I have believed, moreover, that before this Assembly of such notable statisticians, naught could be said that they did not already know; that in transcendental matters, there was already formed a conviction in the minds of all, and that they were not going to change their opinions listening to discourses more or less extensive and brilliant; and that, in fact, the vote only obligates those who cast it in one or another sense. A further proof of what I am saying, if the good will and deference with which I have just accepted the respectable insinuation of my honorable friend Mr. Buchanan, not to present at this moment any considerations that I proposed to submit to the Conference, with regard to many others to which I have listened in the two sessions of to-day. I will refrain from using all the arguments that I had prepared and which are embodied in the notes before me, because above all, I desire and publicly proclaim harmony and good understanding among all the delegations reunited in this august precinct. But in retiring the statement to which I allude, I cannot omit one consideration that among others, justified my vote of adhesion to the conventions of

The Hague. When the respectable Foreign Department and the distinguished delegation from Mexico, placed in the balance, proposed to seek a solution satisfactory to all in the delicate matter of arbitration; when they spoke to us in the name of conciliation, with an elevation of views that we applaud and which will ever be a motive for grateful memory to all of us who have had the fortune to come to this illustrious capital; when they asked us in the name of those elevated sentiments, to lend our voice to the work of peace, we responded jubilantly to that noble initiative, declaring that we were in accord with such elevated purposes, and that, for our part, we would do all that might be found necessary for the success of the labor to which we have been invited. This we stated. This we stated, we the signatory delegations of the treaty to which I refer; and with serene and decided spirit we engaged in an enterprise that to many seemed impossible, but which happily has attained to a result upon which we ought all to congratulate ourselves. In the long series of conferences celebrated by groups more or less numerous, conferences whose sense and goal were known to all, minute by minute, it was proposed to us to adhere to the Conventions of The Hague, and to sign at the same time, a treaty of obligatory arbitration. It seemed to me, and I confess it ingenuously, that that plan was illogical and contradictory. Thus I expressed it. But after reflecting a little and listening to various reasonings on the part of distinguished Mexican publicists, I was convinced that said plan was correct; because we who sustained arbitration ample and without restrictions, do not ignore the right of those who desire it limited or facultative. We have signed, then, two treaties that make one inseparable: one with those who proclaim obligatory arbitration, and another with those who want it facultative; that is to say, the most with some, the least with others, but ever arbitration; in this mode triumphant, not without, but within the Conference, the fundamental idea, without depreciation of the dignity of anybody and to the satisfaction of all. This fact consummated, which cannot be voted on anew, because that would import as it were, to ask for the recognition of our signatures, and because that fact is indiscussible, I entertain the idea that those who have not signed the Treaty, the ruling on which is under discussion, may do so at any moment, so that we may say that all America proclaims peace and justice by means of arbitration. In this plausible labor, the learned Mexican Delegation has a very important part, nobly inspired by its Government, as well as by the respectable and worthy delegation from the United States of America. It is only just to manifest our applause and our recognition for the noble labor to which they have contributed so efficaciously. In the history of this Second International Conference there will shine the disinterested, tranquil and correct attitude of those who so nobly and so generously have received us. To that constant effort is due that yon expressive emblem placed above the presidential chair, and which says «Pax-Lex,» has been realized, because the adoption of arbitration, as an American principle, signifies security and equity, in order that law and peace may found general welfare among the peoples. I desire, in the name of my country and of my Government, before we retire from this noble and hospitable land, to which we owe intense

gratitude, that we cannot manifest, at least for my part, as I lack due expression to do so; I desire to publicly manifest that the principle of arbitration is not wrecked in the Second International Conference; that its white banner is floating over the summit of the mountains, over the waves of the seas and the rivers, in all parts of the continent, under the serene and cloudless sky of concord and of mutual respect, of peace and of confraternity between all the peoples of America.

*His Excellency Mr. Pardo, Delegate from Mexico.*—Mr. President: In order to tranquillize the Assembly, I will commence by manifesting that I do not entertain the idea of making a discourse; in the first place, the occasion is not indicated to pronounce it, and in the second place, because I am the least fitted; but naturally it was impossible to guard silence in the presence of the manifestation just made by the Honorable Delegate from Bolivia.

His Excellency has seized the occasion to recognize the effort that the Delegations of the United States and Mexico have exerted to obtain a conciliation in the question of arbitration which menaces to compromise the success of the Conference, and oblige the Honorable Delegates who have come to it, to separate without having realized the principal object for which they came. The Honorable Representative of Bolivia has recognized, and we feel flattered that he has done so, how diligent and how efficient has been the effort of the delegations of the United States and of Mexico to reach the result that we have endeavored to attain; but he has omitted to state, and it is only just that the Mexican Delegation should say it, that if this result has been obtained, it has been due principally to the amiable deference of the Honorable Delegates with whom I have the honor to confer upon this most delicate subject, that has permitted me to be witness, the most authorized, of their good will, of the spirit of conciliation with which they have proceeded, and of the cordiality extended to follow the indications that, as I said a few moments ago, have permitted us to reach this result that the Honorable Delegate from Bolivia has just elucidated: the recognition of the conventions of the Hague and the celebration of a treaty of obligatory arbitration, that alone are sufficient to demonstrate the importance and the complete success of the labors of the Conference.

Thus, I have take the floor in order to accept the kind manifestation just made by the Honorable Delegate from Bolivia, and to correspond to it, by giving public testimony of the good will of the spirit of cordiality, of the veritable abnegation of the Honorable Delegates with whom I had the honor to confer and who lent themselves to follow the indications made in order to attain to a result that can never be sufficiently praised.

*His Excellency Mr. Buchanan, Delegate from United States of America.*—Mr. President: I beg to ask the further indulgence of the Chair pending the final orders for the carrying out of the ruling with regard to the document now lying upon the desk of this Conference, in order that I may give expression to that deep sense of satisfaction that I am sure will be felt by every Delegation represented here, as well as by the Republics that they represent, if we could make effective on the part of all the Delegations represented in this Conference, as it is effective in fact to all intents and purposes, the recommendatios

covering the adherence to the Hague Convention. Such an expression would be of greater lasting benefit to the relations actually existing between the several Republics that are represented here, and would do more than anything else that we might possibly do toward cementing that cordiality, good will and fellowship, which in reality now exist between all the Delegations here represented. With the profound belief that the results I have named can be accomplished, and with a feeling of entire confidence in the most generous and patriotic impulses that move each Delegation and each individual delegate here present, to do everything that they or he can that will tend to make this Conference memorable in the annals of the history of all the Republics here represented, I would beg at this time, and pending the final orders of the Chair with regard to the document in question, to express my sincere conviction that these splendid results can now be accomplished in a manner satisfactory to all, and consistent with the rights of each Delegation, in keeping with that elevated spirit of confraternity which has been shown in this Conference upon all occasions.

The minutes of this Conference for the last two days will show, in the remarks made here by each of the distinguished Delegates of the Chilean Delegation as well as by the distinguished Delegate from Ecuador, their entire and hearty concurrence in the principles of the Hague Convention, and their cordial and unqualified acceptance thereof. There are to be found, therefore, in the records of this Conference, these facts; and to the end that these expressions of adherence expressed on the part of the two distinguished Delegations named, may have that proper, courteous and consistent weight and voice given to similar expressions made in the protocol in question, on the part of their Delegations, I would most respectfully request the Chair, in the name of the Delegations that have signed the protocol, and with the consent of the distinguished Delegations of Chili and Ecuador, to transmit with said protocol the minutes of the past two days referred to, in order that the protocol and the said minutes shall be communicated to the Minister of Foreign Affairs of Mexico in the form and manner expressed by the said protocol, requesting said Minister, in addition to see that these documents be communicated to the respective Governments represented in this Conference in the nature of an expression of our general adherence to the Conventions of the Hague, and that these explanatory remarks shall likewise be forwarded to the said Minister.

*His Excellency Mr. Blest Gana, Delegate from Chili.*—Mr. President: The Delegation from Chili begins by giving thanks to Mr. Buchanan for the noble effort that he has exerted in reuniting all the representatives of America in favor of adhesion to the Conventions of The Hague. As the proposition that he has presented to the Conference responds to the views of the Chilean delegation, we accept the proposition.

*His Excellency Mr. Carbo, Delegate from Ecuador.*—Mr. President: The Delegation from Ecuador, after most sincerely thanking His Excellency Mr. Buchanan, for his strenuous effort in favor of American reconciliation, has the honor to support his proposition.

*Secretary Macedo.*—In view of the fact that the