THE SIXTH PAN AMERICAN CONFERENCE
HAVANA, 1928.

by
Hazel Alberta Thomison
B.S., Kansas State Teachers College
Pittsburg, 1927.

Submitted to the department of Political Science and the faculty of the Graduate School of the University of Kansas in partial fulfillment of the requirements for the degree of Master of Arts.

Approved by:

[Signature]
Instructor in Charge

[Signature]
Chairman of the Department

(Date) Sept. 25, 1931.
<table>
<thead>
<tr>
<th>CHAPTER</th>
<th>Table of Contents</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>The Historical Development of the Pan American Movement</td>
<td>1</td>
</tr>
<tr>
<td>II</td>
<td>The Setting and Organization of the Havana Conference</td>
<td>24</td>
</tr>
<tr>
<td>III</td>
<td>The Accomplishments of the Sixth Pan American Conference in Codifying the Existing Rules of Conduct</td>
<td>33</td>
</tr>
<tr>
<td>IV</td>
<td>The Accomplishments of the Sixth Conference in Establishing Machinery for the Enforcement of Inter-American Rules</td>
<td>58</td>
</tr>
<tr>
<td>V</td>
<td>Political Questions Deferred for Future Action</td>
<td>74</td>
</tr>
<tr>
<td>VI</td>
<td>The Immediate Results and Outgrowths of the Sixth American Conference</td>
<td>90</td>
</tr>
<tr>
<td>VII</td>
<td>Pan Americanism vs. Internationalism</td>
<td>117</td>
</tr>
<tr>
<td>NOTES</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td></td>
<td>xiii</td>
</tr>
</tbody>
</table>
CHAPTER I

THE HISTORICAL DEVELOPMENT OF THE PAN AMERICAN MOVEMENT.

Pan Americanism, which implies the mutual and beneficial cooperation of the Republics of the western hemisphere, rests upon the assumption that these republics comprise a state system distinct from that of Europe and that they possess common ideals, principles, and interests. Ideas of such Pan American cooperation are almost as old as the birth of the South American Republics, for at that time a feeling of kinship based on race, language, similar culture, and political heritage was enhanced by the fear that Spain (with the aid of the Holy Alliance) would attempt to regain her American colonies. But Pan Americanism in its correct interpretation as it is today is in no sense anti-European or anti-Asiatic in its policies, purposes, or propaganda, but rather an honest expression of the fundamental right of nations having kindred interests and aspirations to act together for their common good and protection.

No real organized cooperation of all the American Republics existed until the First Pan American Conference was held in Washington in 1889. In fact the very name "Pan America" was not used until that year. The vision the United States first had of such a movement was through the eyes of Henry Clay who in 1820 declared:

"It is in our power to create a system of which we shall be the center and in which all South America will act with us.----In respect to commerce we should be most benefited. We should become the center of a system which would constitute the rallying point of human wisdom against all the despotism of the Old World."(2)
The mantle of Clay fell upon James Blaine, who is responsible for the present Pan American policy. Blaines' aims were to promote peace throughout the hemisphere and to further the trade of the United States—a combination of idealism and commercialism.

While Blaine was the Secretary of State in Garfield's administration, he was committed to a well defined development of the Monroe Doctrine whereby the United States should not merely safeguard the southern nations from aggression but should also assume an active hegemony in American affairs. Blaine took the initiative on the part of the United States to revive the idea of a Conference that was first projected in 1825 in the John Quincy Adams administration by Henry Clay. So it was that in 1881 invitations from the United States government were sent to all the independent countries of North and South America to take part in a general conference to be held in Washington in November of 1882, for the purpose of considering and discussing the methods of preventing war between the nations of America. The tragic death of President Garfield resulted in the removal of Blaine as Secretary of State and the appointment of Frelinghuysen. Lacking Blaine's vision of Pan American cooperation, the new secretary reversed his policies and withdrew the invitation to the conference with the very weak excuse that a peace conference that did not include Europe defeated its own purposes. Blaine replied to the President:
"Europe surely could not take offense unless it be the interest of European powers that the American Nations should at intervals fall into war and bring reproach on republican institutions." (5)

However, the existing war between Chile and Peru also contributed to the postponement of the Conference until 1889. It became the great pleasure of Blaine, who once again held the position of Secretary of State, to fulfill his plan of a Pan American Conference called under the leadership of the United States.

Before going further into the development of these five Pan American Conferences which were the immediate predecessors of the Havana Conference in which we are especially interested, it is necessary for us to recognize that "Pan Americanism" as we know it today was preceded by a Pan Americanism of the Latin American States under the leadership and inspiration of Simon Bolivar. During this first period of the movement there were four Pan American Congresses held.

Bolivar's purpose in urging some sort of Latin American cooperation was to secure the independence and peace of the new Spanish American Republics either through a permanent confederation or through a series of diplomatic Congresses. He did not contemplate the participation of the United States in these Congresses and only after the suggestion of Mexico and Colombia was the United States extended an invitation to the first one held in Panama June 22 to July 5, 1826.
Henry Clay, then Secretary of State, was enthusiastically in favor of the United States accepting the invitation. President Adams agreed to the acceptance but the matter was debated at great length in both the House of Representatives and in the Senate of the United States Congress. The Senate was particularly emphatic in denouncing the policy of the administration as dangerous and they said that our participation would be of no benefit to the United States and might be the means of involving us in internal complications. The Senate Committee on Foreign Affairs objected strenuously to the United States in any way committing itself to guaranteeing the territory of any other American State.

The slavery question also projected itself into the debate, mainly because the negro republic of Haiti was to be represented and because most of the other states had proclaimed the emancipation of slaves. The Senate finally agreed to the nomination of Richard C. Anderson of Kentucky and John Sergeant of Pennsylvania as delegates to this first congress. The delay proved fatal to the plan, however, for the American delegates did not reach Panama until after the Congress had adjourned. Only Peru, Colombia, Central America, and Mexico were represented. The other countries were either too busy with their own problems or were afraid that the ambitions of Bolivar might convert the Congress into an instrument for the realization of his personal ambitions.
While this Congress was without practical results and possesses merely an historical interest, it is worth while to notice that one hundred years later the Republic of Panama invited representatives of the states of the western hemisphere to join with her in the Panama Congress of 1926 to further the ideals fostered by the great Liberator. An interesting item on the agenda of the first Congress was the consideration of Bolivar's project of a league of nations for the states of the new world. Bolivar clearly saw the advantages to be gained through periodic congresses of these republics and the development of an assembly of delegates empowered to use good offices and mediation. He believed it important to eliminate the causes of friction, consequently he urged the guarantee of territorial integrity upon the basis of status quo. Realizing the dangers of secret alliances he urged that they be forbidden except when made by all the members of the federation. Friendly intercourse and the elimination of economic and political barriers were regarded as prerequisites to effective cooperation. Social problems were not overlooked, for a provision was made for the complete extirpation of the African slave trade. Finally the sanction of force was made available as a last resort and careful consideration was given effecting the best possible cooperation in times of emergency. Today as we look back, we are compelled to admire the sheer audacity of Bolivar in attempting to give us an international law
for our mutual relations almost at the same time that the internal governmental organizations of the southern republics were being established.

The main result of the first Congress of Panama was a recommendation that an assembly should be organized to meet every two years to---

1. Negotiate treaties to promote satisfactory relations between the American countries.
2. Contribute to the maintenance of peace among the American nations.
3. Promote the habit of conciliation among the allied and foreign powers.
4. Offer its good offices to terminate wars.

Only Colombia approved the proposed agreement and even Bolivar himself lost confidence in the movement before the meeting adjourned. Nevertheless the seeds planted by Bolivar were destined to grow.

The second congress called the "American Congress" met in Lima, December 1, 1847 to March 10, 1848. It was convened because of the movement of Spain to reconquer her colonies on the Pacific. The fundamental ideas of this second assembly did not differ largely from those of the first. Bolivia, Chile, Ecuador, Nueva Grande, and Peru sent delegates. Unfortunately the decisions of this Congress met with little more enthusiasm in the various governments than had those of the first Congress of Panama. Its recommendations were
The inter-American assembly, called the "Second American Congress" met in Lima, November 14, 1864 to March 13, 1865. The special occasion for this meeting was the intervention of Spain in Santo Domingo and the intervention of France in Mexico. As a result of this meeting, the Republics were bound closer together against the intervention of Spain and an alliance between Colombia, Peru, Ecuador, Venezuela, Salvador, Bolivia, and Chile was formed to defend their own political life and national integrity. They agreed to compulsory arbitration and to reciprocal navigation laws and to postal exchange. But the governments seemed to have paid no more heed to this Congress than to the previous ones, since the proposals were not formally accepted by a single country.

The Fourth Congress was held at Montevideo to consider international law in 1888-1889. Bolivia, Brazil, Paraguay, and Peru sent delegates. The work done here was the first step toward the codification of American international law.

To some of these early Congresses the United States was not invited; to others she was invited but did not attend. Perhaps her lack of interest may be partially explained by her economic and political independence from the rest of the world, while the Latin American countries were quite interested in building up closer political ties because of their individual weaknesses. It was not until it was pointed out
by Clay and Blaine of the United States, that such Conferences of the Pan American countries might be of great benefit to the commercial and economic interests of all concerned that the United States assumed the leadership that was so manifestly needed for the good of the movement. Then it was that Pan Americanism as we know it today gained new life and a fresh start.

At the first conference held in Washington in 1889, over which Blaine had the privilege of presiding, methods of preventing war through arbitration were the topics discussed of most lasting value. A Union of Republics was created with the Pan American Bureau as its agent. The Second Conference was held in Mexico City, October 22, 1901 to January 22, 1902. Perhaps its most important result was that all the American Nations became parties to the Hague Convention of 1899 for the pacific settlement of international disputes.

The Third Conference met in July and August of 1906 in Rio de Janeiro. A resolution was adopted favoring the submission to the Second Hague Conference the question of the forcible collection of public debts. The Union was enlarged and reorganized and the Pan American Bureau was named the Pan American Union with its headquarters at Washington.

The Fourth Conference met in Buenos Aires in July and August of 1910 on the occasion of the centenary of the independence of Argentina. The Fifth Conference should have been held in 1914 but it was postponed until the end of the World War.
It finally met in Santiago, Chile in May 1923.

Prior to the Sixth Conference at Havana no definite arrangements had been made for regular periodic meetings of the American Republics. It was customary for each Conference to provide through a resolution that within the succeeding five years the Governing Board (which consisted of the diplomatic representative of each Republic that was then accredited to the United States government at Washington) should convene another meeting with the understanding that the time may be extended in case a meeting should be impossible. Such an arrangement still stands except that the Conferences are provided for by Convention rather than by the resolution of each Conference made before its adjournment.

The formation of the agenda of the conferences has been placed in charge of the Governing Board which is to be guided by the suggestions made at the preceding Conference. There has been a noticeable tendency to increase the number of subjects placed on the agenda, for the first conference (1889) listed eight topics; the third conference in 1906 dealt with fourteen subjects; in 1923 there were nineteen subjects included and in 1928 the agenda provided for thirty-four subjects. As a whole, the agenda of the conferences has represented a wide and growing area of common interests.

The number of delegates a country has sent to these Conferences has been variable but generally the country on whose soil the meeting is held has had the largest delegation.
The delegation of each republic has one vote and the votes are taken separately by countries and are recorded in the minutes. A president is chosen at the first plenary session and it is customary to choose the head delegate of the State in which the meeting is held. An important aspect of the organization of each conference is the creation of a group of committees and sub-committees, among which the various items of the agenda are distributed for consideration. The size of the standing committee varies from twenty to fifty. The members are not allotted equally but according to the interest of the participating states. The representation of the United States, Argentina, Brazil, and Chile are often larger than that of the other states. The rules of the Pan American Conferences are drafted and adopted by the Governing Board in advance of the opening session but changes may be made by a two-thirds vote of the Conference.

The Pan American Union as it is known today originated in the Commercial Bureau of American Republics which was established at the first conference in 1889. It was supported financially by all the American nations in proportion to their population. The Secretary of State of the United States was asked to organize, establish, and supervise the Bureau. The functions of the Bureau were to compile and publish in English, Portuguese, and Spanish all the valuable information on commerce, customs tariff, and production costs of the various American countries. At the Second
Conference in Mexico (1902), the functions of the Bureau were enlarged and its administration transferred from the Secretary of State of the United States to a Governing Board, whose chairman was to be the Secretary of State of the great northern republic, and the diplomatic representatives of all the governments in the Bureau and credited to the government of the United States. At the Third Conference, the Bureau was raised from the status of a mere commercial bureau to that of an organ of cooperation to serve as a permanent committee in preparing programs and reports for the future Pan American Conferences.

Agitation for the reorganization of the Bureau first developed at the Fourth Conference which met in Buenos Aires in 1910. As a result the name of the Bureau was changed to "The Pan American Union". This Union was given the additional function of compiling and publishing information on the legislation of the various American Republics. The question as to the advisability of reconstructing the Governing Board arose. Previous to this time, if a Government were not recognized by the United States and consequently had no representative accredited to the United States then it had no representative on the Governing Board. This situation was improved by the adoption of the resolution that "any Republic having no representative accredited before the United States Government may designate a member to the Governing Board to represent it". It was suggested that it
would be more democratic if the chairmanship of the Board was made elective instead of being permanently vested in the Secretary of State of the United States. However, such a change was not made at this time, but the matter of reorganization of the Union was placed on the agenda for the Fifth Conference.

An analysis of the Union as it existed until 1923 shows the predominance of the United States in it, for (1) the seat of the Union was located in Washington; (2) membership on the Governing Board was confined to the diplomatic representatives accredited to the United States; (3) the United States was represented by the Secretary of State who thus outranked diplomatically all the other members; (4) the presidency of the Governing Board was vested permanently in the United States Secretary of State; (5) the Director General of the Pan American Union had always been a North American; (6) the largest part of the literature was printed in English; and (7) the greatest use of the Union had been made by North American Commercial agencies.

At the Santiago Conference proposals were made to correct any legal inequality that might exist. At this Conference a United States delegate submitted a resolution which practically continued the organization of the Union as it had existed. This was a great diplomatic blunder for with this resolution coming from the United States the impression was given that she meant to hold to her supremacy
in the organization of the Union. Since the feeling was already strong against the preponderance of the United States in the Union, that country would have won many friends immediately had she either remained silent on the question or else made the proposal herself to limit her apparent control of the Union. Dr. Alvarado Quiros of Costa Rica proposed that the governments be represented by diplomatic agents or not as they saw fit. The question was pertinent because of the absence of Mexico from the Fifth Conference. Mexico reported that the reason she was not at the Conference was that the United States had not recognized her government. Therefore she could have no voice in the Union. The United States objected to the two fold representation of the Latin American States in Washington because of a possible lowering of the prestige of the members of the Governing Board and because a division of opinion might arise between the two representatives from the same country. Finally an agreement was reached that the American Governments should be represented in the Union of their own right but the Governing Board was to be composed of the representatives credited to Washington and the Secretary of State of the United States and any government that did not have a representative at Washington might appoint a special representative to the Union. The Latin Americans were won to this point on the decision to make the presidency of the Board an elective one.

One Latin American said:
"What we want is to be able to go directly to our home in the Pan American building and open the door and enter of our own right—not on arrival, to find the door locked and to have to go to a neighbor's house and ask him for a key."

The attempt to eliminate the inequalities of the Pan American Union served as a point of attack for the transformation of this organization into an American League of Nations. There was a strong current in the Latin American Nations in favor of a League of American Nations with attributes analogous to those of the League whose seat is at Geneva. Uruguay, under the leadership of Dr. Baltser Brum, and Costa Rica, under the leadership of Mr. Cuiros, have been prominent in the agitation for an American League of Nations. President Wilson and Colonel House advocated an American League during 1914-1915, but the coming of the World War submerged their plans along this line. Each of the Congresses of the large South American countries seriously considered the plan, but the objection of Chile checked the project and by 1916 its sponsors were looking beyond an American League to a World League of Nations. President Brum of Uruguay presented the idea again at the time of the Santiago Conference for a league in which all countries should participate on the basis of absolute equality. Widespread interest in and support of his plan was shown by the Latin Americans and as a result the subject appeared on the agenda of the Fifth Pan American Conference. However this subject and the subject of the Americanization of the Monroe Doctrine were
never discussed at the Conference and many think this was due to pressure brought to bear on Uruguay by the United States not to bring up the subject. Regardless of the outcome of such a consideration it is hoped that the United States will squarely face the proposal of an American League of Nations which the Latin Americans advocate so heartily.

Let us now look at the arbitral developments of the first five conferences. When the United States first assumed the leadership in the Pan American movement under Blaine, we did so not only to further our commercial relations with Latin America but also to bring about peace and to prevent future wars on this Continent. Blaine gave his attention to peace problems because he realized that peace was essential to commerce. The first conference held in Washington gave considerable attention to plans for arbitration. A treaty of arbitration was drafted and signed by eleven states—the United States included. It provided that arbitration was obligatory in all cases concerning diplomatic and consular privileges, boundaries, indemnities, right of navigation, and the enforcement of treaties and in all cases of disputes except where the controversy involved the independence of a nation. Mexico and Chile opposed this plan and when the Convention was referred to the various governments it was found that not one government was willing to sign it.

The next step toward arbitration was taken at the second conference at Mexico City in 1902, when the South Americans
expressed their desire to adhere to the "Convention for the Pacific Settlement of International Disputes" that was adopted at the Hague Peace Conference in 1899. During the Third Conference a convention for the arbitration of pecuniary claims was drafted and accepted by twelve states. It was not until the Santiago Conference in 1923 that any outstanding action was taken in regard to the pacific settlement of international disputes. The convention then adopted a provision that all controversies should be settled through diplomatic channels if possible, and if not, they were to be submitted to arbitration through existing treaties or to a commission for investigation. The machinery of the plan provided for two commissions, one sitting in Washington and one in Montevideo—each composed of the three American diplomats longest accredited to such capitals. Their purpose was to call into existence a commission of inquiry to arbitrate the dispute. After their report was given the governments agreed to wait six months and then if they still disagreed they would be at liberty to take whatever action they chose. This treaty of arbitration was to remain in force indefinitely but any party might denounce it and subsequent release would take effect within a year. This assembly created a Commission of Jurists for the purpose of continuing the program mapped out in 1906 and among additional subjects to consider the proposal of the creation of an American Court of Justice. The results of its deliberations
were to be presented at the Sixth Conference at Havana.

From the very beginning of the movement, we find that the commercial benefits to be received by such united action of the Republics of the Western Hemisphere have played no small part in the activities of the various Pan American Conferences. In fact the very first sign of interest displayed by the United States in the movement was due to her desire to cooperate with the Latin American countries in order to promote her own trade relations. It has been quite plain for some time that the United States has exercised more zeal in creating favorable trade relations with South America than in the idealistic schemes of keeping alive inter-American solidarity. Such commercial benefits as an inter-American railroad, direct steamship communication, uniform customs regulations, and uniform system of weights and measures were desired. Thus with these motives the United States assumed leadership in the Pan American movement. Most of the discussion in the first conference centered on commercial and economic matters. The United States proposed a Customs Union which would either make the American States into a single customs territory or provide for free trade and reciprocity among them. Several of the Latin American delegates were extremely sensitive to the attempts of the United States delegation to dominate the proceedings in regard to this matter, consequently some very frank discussions ensued. It will be interesting to note that after
the passage of one hundred years the United States reversed her early policy and very definitely took a stand at the Havana Conference against any unified cooperation of the Republics in regard to customs and tariffs.

So it was that throughout the first three conferences both Latin America and the United States were content to discuss and pass resolutions of an economic or commercial nature such as the protection of patents, trademarks and copyrights, the building of a Pan-American railway, and the encouragement of steamship communications. Without a doubt the work of these conferences along such lines has greatly aided all the countries of this hemisphere in their development.

By 1910 the time of the Fourth Conference, Latin America had lost interest in these matters which she regarded as of greater benefit to the United States than to herself. Manuel Ugarte, a bitter opponent of Pan Americanism who had predicted a failure of the Fourth Conference, said that out of ten subjects discussed only three were of equal interest to the American States—the other seven were on the program merely because they favored the prestige and expansion of the United States. He believed that everything vital had been avoided and that no real problems had been settled nor would they ever be until the United States was excluded from the Latin American Conferences.

It was at the Fifth Conference at Santiago in 1923 that
the real break came between the United States and Latin America over their conception of what was proper to be discussed in these conferences. The United States delegates were instructed to do as little as possible in the realm of political matters while the Latin Americans believed that the details of commercial cooperation could only be secured after an agreement concerning fundamental political problems had been made. A discussion of political questions broke out at several points in the proceedings of this conference, but by evasion or postponement the United States guided the actions of the Conference back to commercial and economic matters.

Several criticisms have been made both on this continent and in Europe concerning the trend of the Conferences. After the Fifth Conference, in the opinion of the New York Evening Post, more ground was lost than won; and American sincerity, already questioned, was now under a deeper suspicion than ever because "we are suspected of concealing selfish economic aims under a cloak of fine talk about Pan Americanism". According to El Mundo of Havana, this meeting was entirely under the control of the United States with the same old trademarks, patents, and sanitation. A well known American authority on Pan American relations, in reviewing the Santiago Conference, remarked that the universal feeling was that the activities of the Pan American Union and Conferences must be enlarged and broadened and that the United States must recognize that political and social
problems have come to stay, therefore the wisest course of
action is to face them squarely and without blinking.

Is this trend toward a non-political Americanism the
realization of the wishes of the founders of the movement,
or is it an unforeseen development? The answer depends on
whether one regards Bolivar as its founder or whether one
considers that the movement started with Blaine. Certainly
it is the ideas of Blaine and the North Americans rather than
those of Bolivar and the Latin Americans which have prevailed.
The position of the United States is such that she has less
to gain from political cooperation than from economic
cooperation. The United States, already politically strong,
finds her chief gains from Pan Americanism to be in matters
of a commercial nature. She has never objected to the time
spent in these conferences on the furtherance of peace by
the settlement of disputes through arbitration, but she has
been more alert and active in dealing with the practical
matters such as conventions on trade marks and patents.

Since the Latin American countries are politically
weak, they have naturally favored the kind of cooperation
that will aid them most, but a survey of the resolutions and
conventions made at these conferences plainly show that the
United States has received what she wanted and has been able
to prevent action on the matters to which she is opposed.
The dissatisfaction of the Latin American countries is quite
in evidence. This may not be entirely due to their opposition
to Pan Americanism but also to certain reasons which cause Latin Americans to distrust and dislike the United States, as such traditional grievances as the Mexican War and Olney's declaration on the Monroe Doctrine; the Caribbean policy of the United States; the economic superiority of the United States; the fear of cultural domination by the Yankees;--all of these may have their effect. By their books, newspaper articles, and speeches, it is clear that Latin Americans regard equality, political cooperation, and non-intervention as the most important subjects for discussion by these conferences. However, the attitude of Latin America toward Pan Americanism has not been uniform in all the twenty republics. Chile, for example, had been opposed to the discussion of arbitration and political questions in general. The points of cleavage are between the interest of the United States on the one hand and those of Latin America on the other.

Besides the attention given to economic and commercial questions at the five Pan American Conferences, a large number of Congresses of a purely technical nature have been held which dealt only with sanitary, economic and commercial questions. To the practical and unimaginative mind, it is hard to conceive of any great value that has come from these Conferences. It is pointed out by some that a very small percentage of the conventions and resolutions adopted at these conferences have been ratified by the various governments. Granted that this is true, it must be remembered
that the principles in these treaties have often been embodied in the national legislation of the various American countries. At the close of the Fourth Conference, Don Alejandro Alvarez said:

"The happiest results of the Pan American Conferences are that they harmonize all the states of America and they contribute powerfully in developing and forming upon its true basis the American conscience, a conscience which is one of the characteristics of the contemporary life of the states of the New World." (27)

Dr. Cuesado of the University of Buenos Aires remarks that the Pan American movement is still in an academic stage which has excluded political questions so far, but that since the interests of the nations are so variable "it is desirable to proceed slowly in order not to precipitate modifications which might result in danger. So the only representative thing in Pan American diplomacy is the closer association of men and the better understanding of countries." (28)

According to the view of Mr. Potter in his book, "This World of Nations", the first five conferences have made little contribution outside that of disseminating a lot of oratory and rhetorical display that characterizes most international conferences. He says:

"If the meetings were held as a means of getting expressions of sentiments of brotherly love, ideal international justice, peace, and prosperity---they certainly have served their purpose. If they were intended for something more---they have not been so successful." (29)

It is true that the conferences have become less cordial as each one has taken place—especially since the Third
Conference. This is no doubt partly due to the increasing self assurance of the Latin American States and their increasing suspicion of the motives of the United States during the administrations of Presidents Taft, Harding, and Coolidge. The wise and reassuring words of Secretary of State Root in 1906 and President Wilson in 1913 were needed to avoid open rupture between the United States and Latin America.

What change of attitude, if any, toward the fitness of subjects to be discussed at a Pan American Conference, remains to be seen in the following discussion of the Sixth International Conference of American States held at Havana, January 16 to February 20, 1928.
CHAPTER II

THE SETTING AND ORGANIZATION OF THE HAVANA CONFERENCE.

The city of Havana, having been chosen as the meeting place for the Sixth International American Conference, made every preparation possible for the convenience and comfort of the most eminent of all the Pan American delegations ever assembled. The beauty of Havana, combined with its extraordinary cleanliness, produced on the delegates a most agreeable impression which helped to incline them to be agreeable among themselves. The Cuban government with great lavishness spent large sums of money for local improvements and in beautifying the buildings of the University of Havana in anticipation of the honor bestowed on them in performing the duties of host to this Conference.

An interesting description of the meeting place of this conference is found in these words:

"A vast stone staircase, very broad and very high, takes the pedestrian up the steep hillside to the University grounds. The yellowish tinge of the stone walls of most of the University buildings seems not dullish, but in itself an added brilliance. The 'Magna Aula' or great hall in which the plenary sessions of the Conference took place, is a room of the greatest dignity of dimensions as well as of the greatest delightfulness of decorations. The smaller halls in which the committees of the conference assembled for their labors are, to tell the truth, more attractive than the average class rooms in the average University of the United States." (2)

As a background to this Conference, the whole World was aroused over the recent intervention of the United States in Nicaragua. Thus realizing the urgent need to quiet the fears of the Latin American Nations, the United States made a
special effort to send to the Sixth Pan American Conference the most notable delegation that had ever represented this country. In addition to this strong delegation, Calvin Coolidge, President of the United States, attended the opening session of the Conference and personally brought to the Latin American peoples a friendly message direct from the United States. An interesting yet perhaps biased description of the arrival of President Coolidge is found in a leading United States newspaper which says:

"The other delegates to the Sixth Pan American Conference arrived as mere civilians, but the President of the United States came in the battleship Texas with the cruiser Memphis close behind; the two big ships flanked by six mean looking destroyers, all in convoy form—a suggestive way to open a peace conference. The Cubans cheered him and the Washington newspapers say that Calvin never smiled a broader smile. Who wouldn't cheer a President? It is a great occasion for a thirty year old republic of less than four million people when the President of the richest and strongest nation on earth comes to call. All Havana was at the sea wall that balmy Sunday afternoon. The buildings were bedecked—the people excited. It was Cuba's great day. The naval parade with all the sailor boys in white and the Admirals in gold braid and the President and delegates in tall silk hats was a good show. The guns roared their salute, the bands blared and the crowds cheered." (3)

The following day, January 16, President Machado, of Cuba opened the Conference with a warm welcome to the delegations and a glowing tribute to the "Chief executive of the greatest of all democracies". President Coolidge replied with a felicitous address taking as his text, 'the spirit of Columbus, an eternal bond of unity for the Americas'. He emphasized the prevailing attitude of peace and good will, the development of the spirit of democracy, the adjustment
of differences by justice, and he declared that "all the nations here represented stand on an exact footing of equality--the smallest and weakest speaks here with the same authority as the largest and most powerful." Will Rogers summed up this speech by saying: "He opened with Columbus and he closed with Columbus and he never got much closer to 1928." True there was not a word of Nicaragua or Mexico, not a hint of a changed policy, nor a word dealing with the technical questions of international rights and duties--"but sweet generalities--peace, democracy, a mild slap at the League of Nations and a warning against moving too fast and that was all." (5)

All of the twenty-one republics, members of the Union, were represented at Havana, making a total of eighty-three delegates. It is well to notice the high character of the American delegates both in respect to attainments and professional experience. The field of international law was particularly well represented, which was a great improvement over the preceding gatherings of this character. Fourteen delegates had been connected with some phase of the League of Nations work, thus aiding them in obtaining an international viewpoint.

A further word of recognition must be given the United States delegates for had it not been for their skill and foresight and untiring efforts the "lid", so to speak, would have blown off, and as a consequence the good work of the
past conferences would have been undone. The delegation was headed by Charles Evans Hughes, former Secretary of State. Other members were Henry E. Fletcher, the American Ambassador to Italy who had previously held diplomatic posts in Cuba, Chile, and Mexico; Dwight W. Morrow, American Ambassador to Mexico; Morgan J. O'Brien, a former judge; James Brown Scott, Secretary of the Carnegie Endowment for International peace; Roy Lyman Wilbur, President of Leland Stanford University; Dr. Leo S. Rowe, Director-General of the Pan American Union; Noble B. Judah, the new Ambassador to Cuba; and Oscar Underwood, a former United States Senator. No doubt it was felt that such a strong delegation would be able to allay the criticism both at home and in the Latin American countries concerning the recent policies of the United States in the Caribbean. Mr. Hughes was by general consent regarded as the outstanding man of the many distinguished figures of the Conference. In his grave and forceful fashion he was able to stir the minds and hearts of the Latin Americans through the English language, as the most eloquent and fervid speakers in Spanish. He displayed that rare ability in international conferences to make allowances for the opponents viewpoint.

Without a doubt the Peruvian delegation presented in Victor Maurtua the greatest orator of them all. He is described as a

"huge man, tall, with shoulders that do not seem so much to stoop as to crouch and with a face as impressive as it is paradoxically glowing and almost terrifying. He speaks almost in a whisper, with never an outbreak of
vocal assertiveness. By some sort of magic in his power of projecting personality he makes his slightest breath become almost a tornado in its effect upon its hearers." 

Among the other brilliant figures present as a delegate to this Conference was Dr. Honorio Pueyrredon, who for several years had been the Argentine Ambassador at Washington where he had many personal friends and was held in high esteem. He was a man of envious political attainments and because of his great tenacity of purpose in regard to the tariff issue, he was respected as a man with sufficient strength of character to stand by his convictions even though the majority was against his proposition. However, Dr. Pueyrredon's home government disavowed his position thus causing his resignation before the Conference adjourned. It is thought by some that Pueyrredon, as a retiring diplomat, was emphasizing his views to give him prominence at home in the political situation that was shaping itself for the coming election. 

The other widely known leader at Havana who stood alone was Dr. Guerrero of Salvador, a very small country yet represented by a man whose superior capacity is recognized in any gathering. Dr. Guerrero is a jurist of authority and a statesman and diplomat of exceptional ability. 

The Cuban delegation was headed by Antonio Sanchez de Bustamante, an eminent publicist and judge on the Permanent Court of International Justice. Although Senor de Bustamante did not become involved in the heated debates of the Conference he performed a valuable service in wisely presiding
over the Conference. Had it not been for a man of his
caliber included in the delegation the code of private
international law might not have been formed and adopted.
For the first time in an international gathering this was
done and should be looked upon as a personal triumph for
Judge de Bustamante.

The delegates of eighteen out of the twenty-one republics
spoke in Spanish. Mr. Hughes spoke in English which was
immediately translated to Spanish. Dr. Raoul Fernandez of
Brazil spoke in Portuguese and was interpreted. The Pan
American world seems to be a Spanish world for never once
was the Spanish word translated.

Many of the delegations were accompanied by technical
advisers; Mexico had fifteen; Cuba ten; Brazil two; Argentina
three; Chile two; and the United States six. About one
hundred newspaper correspondents were present but there were
no League of Nations observers as might have been expected.

The agenda for the Sixth Pan American Conference covered
the following subjects: (1) the reorganization of the Pan
American Union on the basis of a convention prepared by the
Governor Board in accordance with a resolution passed at the
Santiago Conference; (2) the consideration of the projects
submitted by the Commission of Jurists which had met in 1927
in Rio de Janeiro attempting to codify public and private
international law; (3) the consideration of various problems
of communication, including aviation and automotive traffic;
(4) the establishment of means to facilitate increased intellectual cooperation between the states; (5) the consideration of numerous questions of social welfare and health.

It was pointed out that, "Although on the surface this program seemed to avoid all contentious political subjects—the proposal to reorganize the Pan American Union gave the delegations an opportunity to try and curb the overpreponderant influence which it was alleged the United States exerted both in the Governing Board and in the administration of the Union. The codification of international law offered an even greater opportunity to place the United States on the defensive in regard to such questions as intervention, recognition and the equality of States." (14)

The first task of this conference was to formulate its organization so that it might then proceed in considering the subjects of the agenda. According to diplomatic custom Judge de Bustamante, head of the Cuban delegation, was elected President of the Conference. The Secretary General who was appointed by the President was Mr. Nestor Carbonell. The Conference was directed by a steering committee called the "Committee on Initiatives", which was presided over by Dr. de Bustamante. The items on the agenda were studied by the following:

<table>
<thead>
<tr>
<th>Committees</th>
<th>Headed by</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Pan American Union</td>
<td>E. Olaya Herrera of Colombia</td>
</tr>
<tr>
<td>2. Public International Law and Legislative Uniformity</td>
<td>Victor Maurtua of Peru</td>
</tr>
<tr>
<td>3. Public International Law and Police Force</td>
<td>Gustava Guerrero of Salvador</td>
</tr>
<tr>
<td>4. Problems of Communications</td>
<td>Sampio Correa of Brazil</td>
</tr>
<tr>
<td>5. Intellectual Cooperation</td>
<td>Gonzale Zaldumbide of Ecuador</td>
</tr>
</tbody>
</table>
Each committee was made up of representatives from each delegation and they elected their Chairman, Vice-Chairman, Secretaries, and Reporters. In each committee a preliminary decision was taken by a majority but in case the subject was quite important it was often referred to a sub-committee which attempted to find a formula that would be unanimously accepted.

In accepting the proposal, which was finally adopted, that committee sessions as well as plenary sessions should be held in public, Secretary of State Hughes gave proof that the United States had no policy or purpose to hide. But as a matter of fact the most important discussions were held in secret. This was brought about by the adoption "in toto" of the rules of the previous conference, among which was a rule that a session might be closed to the public by a two-thirds vote of the delegates. Some of the committees voted to hold their meetings in secret but the majority were open to the public. However, all sub-committee meetings were secret and since it was here that the most important work was done it is easy to see that the discussions were not open to the public as it might appear by the rules adopted. Some journalists asserted that open committee meetings were purposely planned in order to transfer delicate subjects to the sub-committee.
When a committee reached an agreement its results were reported to the plenary session and its resolutions were usually adopted as they were proposed. In practice, if an agreement had not been reached in the Committee, the important resolutions upon which there were serious differences of opinion were not put to vote in the plenary session.

The Sixth Pan American Conference had seven plenary sessions which adopted eleven conventions, seven motions, four agreements, and sixty-two resolutions—the contents of which will be discussed in the three chapters that follow.
CHAPTER III

THE ACCOMPLISHMENTS OF THE SIXTH PAN AMERICAN CONFERENCE IN CODIFYING THE EXISTING RULES OF CONDUCT.

An analysis of the resolutions adopted at the Havana Conference reveals a number of noteworthy accomplishments affecting the codification of international law, communications, certain economic and agricultural problems, and intellectual cooperation.

In some cases the Conference took direct action, while in other cases it authorized the establishment of expert commissions to consider the problems with which this conference was not competent to deal. Fourteen such supplementary conferences are to be called as authorized by the Havana Conference. (1)

Seven out of eight of the organized committees that considered the subjects set forth in the agenda for this Conference gave their attention almost entirely to the work of codifying for the American States the existing rules of conduct and in making new rules. It is natural that a large majority of the conventions adopted were of this type, however this emphasis upon codification should not minimize the second phase of the work of the Conference that is to be discussed later.

The American peoples have persistently urged the adoption of a code defining the rules of international law. In 1847, 1861, and 1867 Latin American Conferences for the
codification of international law were held at Lima, Peru without the participation of the United States. The codification movement began its rapid development after the establishment of the Pan American Conferences. At the Third Conference a convention was passed authorizing the establishment of a Committee of Jurists (one member from each government) to prepare a draft code on Private and Public International Law. The Committee did not meet until 1912 and upon finding the task such a large one it decided to divide into six commissions which should meet later in six different American cities. The time set for these commissions to convene to make their report was in 1914, but due to the War their work was abandoned. However, the Fifth Conference at Santiago reestablished the Committee of Jurists, with two delegates from each country, to meet in Rio de Janeiro in 1925. It was decided that rather than to attempt a complete codification of international law the Committee should work toward a gradual and progressive codification. The American Institute of International Law was asked to prepare draft projects that were to be submitted to the Rio Jurists after they had received the approval of the various governments. Thirty projects in all were submitted. After a long delay, the Committee of Jurists finally met in April 1927 and approved the following twelve projects of international law:

1. Fundamental Bases of International Law.
4. Treaties.
5. Exchange of Publications.
6. Interchange of Professors and Students.
7. Consuls.
8. Diplomatic Agents.
10. Asylum.
11. Obligations of States in Event of Civil Strife.

These projects were placed on the agenda of the Havana Conference and were referred to Committee No. II on Public International Law and Frontier Police. All of the twelve projects were considered by the Sixth Conference but only seven were adopted in conventional form. Topics 5 and 6 were properly transferred to the Fifth Committee on Intellectual Cooperation, where they met with favorable consideration. Topics 1 and 2, on the "Fundamental Bases on International Law" and "States: their Existence, Equality, and Recognition", were subjects of long and heated debates and were never formally drafted into a convention. The consideration of the methods of settlement of international disputes was taken up in the last plenary session of the Conference and not in a Committee as were the other subjects. A resolution was adopted providing that the subject be given further consideration and be placed in convention form.
by a special Conference to be held in Washington within a year of the closing date of the Havana Conference.

For a more detailed discussion of the work of this Conference in matters regarding the Codification of laws for the American Continents, we shall consider the results of the work of the separate Committees. Since the work of Committee No. I does not pertain in any way to the process of codification of laws, but rather deals with the machinery set up to enforce the established laws, hence a discussion of its accomplishments is deferred to the following chapter.

Committee No. II on Public International Law and Frontier Police.

To this committee goes the honor of being one of the two outstanding committees to hold the attention of the public throughout the conference. The other with which it must share honors was Committee No. I on the Pan American Union. However, in regard to practical results no other committee excelled or even equalled this one. In addition to the question of intervention, so important that it has been reserved for separate treatment later, important non-political questions were discussed and as a result of the Committee's work seven conventions and resolutions were formulated.

Topics 1, 2, and 4 of the program or agenda of the conference dealing with matters of an inter-American juridical nature were assigned to the second commission:
(1) Consideration of the results of the Commission of Jurists which assembled at Rio de Janeiro for the purpose of undertaking the codification of international law.

(2) Methods for the pacific settlement of international disputes; and

(4) Frontier Police.

This last topic was added to the agenda of the Sixth Conference upon the motion of the Argentinean Ambassador, Mr. Honorio Pueyrredon.

As a result of the deliberations of this Committee the following conventions were adopted:


The status of aliens involves both the treatment of immigrants and the question of state responsibility for losses to aliens in event of damage caused by violence, denial of justice, etc. The principle is being generally adopted throughout the world that aliens are entitled to the same civil rights as citizens and the American States gave approval to such a policy in this convention. The extent to which a state is responsible for damages was discussed quite freely but since no agreement could be reached this phase of the matter was not included in the convention. In signing the convention the United States made an express reservation to Article 3 which refers to the Military service of aliens in time of war. This was due to the fact that
during the World War the United States required certain classes of aliens to register for the draft, and those who had declared their intention of becoming citizens were required to serve in the army, unless exempted by treaties between the United States and their former country.

(B) Convention on Treaties.

The convention on treaties was originally drawn up by the Rio Jurists and in the main followed the Pessac code of 1912. The Jurists finally adopted an article defining the conditions under which a treaty ceased to be valid, but since it did not go as far as some delegates wished the question was again debated at Havana. Dr. Ferrera of Cuba argued that the American States should not be deprived of the right of "rebus sic stantibus" which was in use in all the other continents. The objection raised to the doctrine that treaties lapse with fundamental changes was that either party could arbitrarily apply the doctrine to its own advantage. To avoid this, Dr. Ferrera proposed that if one party did not agree that the treaty had thus lapsed, the question should be referred to arbitration. The Bolivia delegation, concerned over its treaty relations with Chile, pressed the same demand. The proposals were referred to a subcommittee of Committee No. II, which prepared an article to the effect that a permanent treaty of non-continuous application may be declared void by arbitration. Bolivia wanted this principle applied to all treaties but, as the convention remained unchanged, that Republic made a reser-
vation stating her views on the doctrine of "rebus sic stantibus". Perhaps the most interesting provision in the convention is that relating to the "caducity" of treaties which refers to permanent treaties not of continuous application. The subcommittee declared that such treaties were those that "contemplated subsequent acts, subject to special conditions which might or might not present themselves". It is possible that the treaties by which the United States has the right to intervene in the affairs of Cuba and Haiti, under certain circumstances, fall within this category. Since Cuba has for some time been desirous of relieving itself of the Platt Amendment it may be able to do so if the United States adopts this convention for it may make it possible for her to refer the question of the "caducity" of this treaty to Arbitration. Yet the wording of Article 15 in regard to the obligation to arbitrate remains vague. 

(7) Convention on Diplomatic Agents.

This convention adds nothing new to the existing rules of conduct for diplomatic agents but instead it merely codifies those practices already well known by the civilized nations of the world. While it grants certain immunities to diplomatic agents, it does not employ the word "extraterritoriality" in this connection. The Committee of Jurists recommended that the rank of Ambassador be abolished and that all diplomatic agents be divided into
the two classes of Ministers and Charges d'Affaires. This plan failed of adoption by a vote of 8 to 8, apparently because of the fear that American diplomats in European ports would be placed in an inferior position to that of other diplomats. This convention makes clear the inviolability of the diplomats and their official personnel and the exemptions allowed them while within the foreign state.

(E) Convention on Consular Agents.

The work in forming a convention on consular agents consisted mainly of putting those practices and usages of international law in regard to the recognition, rights and duties, privileges and immunities of consular agents into a written and codified form for the benefit of the States of the Western Hemisphere in their commercial dealings with each other.

(F) Convention on Neutrality.

The Rio Jurists in considering this matter rejected all radical proposals and adopted a project based on the Hague Neutrality Convention of 1907 which declared among other things that neutrality was a "duty". This phrase was omitted from the convention as adopted at Havana. The neutrality convention as it was presented at the Havana Conference provided that the Governing Board of the Pan American Union should meet upon the declaration of war and ascertain the common interest of states in regard to neutrality. This provision, however, failed of adoption.
apparently because of the decision not to grant political powers to the Pan American Union.

The proposal that armed merchant ships should be treated as belligerent ships in neutral harbors carried by a vote of 11 to 4. Bolivia called attention to her landlocked position and demanded the adoption of an amendment to the effect that transit of arms should be permitted across the territory of a country which separated a second state from the sea. The subcommittee to which this matter was referred declined to accept the Bolivian proposal. When the main committee considered the matter, Mr. Gonzales Roa of Mexico opposed it on the grounds that it would force a servitude on a state; Mr. Hughes of the United States supported the Bolivian proposal. It was adopted by the Commission by a vote of 9 to 5 with seven absent.

(F) Convention on Obligations of States in Civil War.

It has been a rule of international law for some time that governments should not allow their territory to be used by revolutionists as a basis of operations against the governments of neighboring states. The Rio Jurists drafted a convention attempting to define these obligations and the results of their efforts seemed to be a compromise between the Anglo-Saxon system, which merely punishes hostile expeditions and overt acts, and the Latin system, which punishes even conspiracy. An amendment was made at the Havana Conference which recognized a state of belligerency in international relations.
(G) Convention on Asylum.

The practice of a foreign ambassador in granting asylum or protection to individuals fleeing from local authorities or mob violence had been greatly abused up to the time of this conference. By the end of the 19th century the right of asylum had disappeared from Europe but it still existed in parts of Spanish America. The United States has never recognized this right. The Rio Jurists had adopted a convention prohibiting asylum to persons suspected or condemned for ordinary crime, but allowed it in the case of persons accused of political offenses. At the Havana Conference a number of amendments to this convention were made. One provided that asylum would be respected in legations, warships, military camps, and airdromes to the extent that it is admitted by usage or conventions in the countries in which the right is exercised. A second amendment provided that an offender against the common criminal law taking asylum in a legation should be delivered up when the local government demanded it.

(H) Resolution on the Policing of Frontiers.

The final question considered by Committee No. II dealt with Frontier Police. The Argentine delegate proposed a convention which provided that police authorities should not cross frontiers except by virtue of a treaty or by agreements between the local authorities of the neighboring countries. So many differences arose over the subject
that the conference finally adopted a resolution which evaded the question of pursuit and merely recommended that the governments consider the most effective means of watching their frontiers and of securing greater cooperation in their relations.

Committee No. III on Private International Law and Legislative Uniformity.

The main problem that presented itself to this committee was that of bringing about a reconciliation of two conflicting views of private international law—that of domicile and that of nationality. Many cases of international affairs had often raised the question as to which principle should be applied. Should a Peruvian court apply the law of Peru or the law of Brazil to the marriage of a Brazilian minor in Peru? The difficulty was that Peru was applying the principle of domicile while Brazil adhered to the principle of nationality. The Republics of Argentina, Chile, Uruguay, Bolivia, Paraguay, Peru, and United States prefer the domicile theory. Guatemala and Mexico are in the stage of transferring to this theory while the rest of the Republics are partisans of nationality. Consequently, a uniform agreement on this matter would not only benefit the American Continents but also the entire world. At the Santiago Conference in 1923 the opinion was expressed that unless these two views could be reconciled no practical advance in the codification of private international law could be made. Therefore that Conference recommended that the Committee of Jurists decide in advance of the
Havana Conference what juridical system should be followed by the American States. The Commission of Jurists devoted itself to the codification of private international law and adopted with a few slight changes the Bustamante Code. This Code did not attempt to choose between the law of nationality and the law of domicile but simply provided that "each contracting state shall apply as personal law that of the domicile or that of the nationality, according to the system which its domestic legislation may have adopted or may hereafter adopt."

The Bustamante Code was quite extensive but for our purpose the titles of the books alone discloses sufficiently its far reaching effect:

Book 1  International Civil Law.
" 2  Commercial International Law.
" 3  Penal International Law.
" 4  International Law of Procedure.

A Convention carrying this code into effect was adopted by the Havana Conference with fifteen states making reservations to it. The federal nature of the United States government, which places many powers in the hands of each of the forty-eight states, made it impossible for the delegation from the United States government to accept this Convention. Nevertheless, the United States reserved the right to examine the convention in the hope that it might be able to accept at least a portion of the Code. Twenty republics signed the
convention—some making reservations or declarations. For
the first time in an international gathering a code of private
international law was adopted in an international conference.
This was a personal triumph for Judge de Bustamante and a
resolution was passed recommending that it be referred to
as the Bustamante Code.

Committee No. IV on Communications.

The most important subject in connection with commun-
ications was the regulation of Aviation. The Governing Board
had drafted an aviation convention to be considered at the
Havana Conference which laid down the principle that every
country had complete and exclusive sovereignty over the air
space above its territory, but that each state should accord
freedom of innocent passage across its territory to private
aircraft. However, for reasons of security, states could
establish prohibited zones, providing no distinction was
made between domestic and alien aircraft in international
traffic. Mr. Fletcher of the United States proposed an
amendment that would allow two states to enter into an agree-
ment about the establishment of prohibited zones within their
respective territories provided they did not discriminate
against alien aircraft. He plainly stated that his motive
in introducing this amendment was to enable the United States
to safeguard the Panama Canal Zone.

Mr. Olaya of Colombia objected to this amendment on the
grounds that such zones might be made to cover the entire
territory of a state and thus result in prohibiting international commercial aircraft, and also that it might give rise to local military alliances.

It was finally provided that two or more states could "agree upon appropriate regulations pertaining to the operation of aircraft and the fixing of specified routes." These regulations were not designed to prevent the establishment of inter-American aerial lines and terminals but would guarantee equality of treatment to the aircraft of the contracting states.

A resolution was passed expressing sympathy with the idea of an international conference on aviation for the purpose of bringing into closer harmony the Havana Aviation Treaty and the Paris Air Navigation Convention of 1919 and the Madrid Convention of 1926.

Four other matters were adopted by the Committee on Communications, as follows:

(1) Automobiles and Roads

The conference recommended that the Second Pan American Congress of Highways, which was to meet at Rio de Janeiro in July 1928, draw up a treaty regulating international traffic in automobiles and formulating uniform traffic law which the states might adopt. It was also recommended that the consideration of the construction of an inter-American highway be furthered.

(2) Water Communication

The Havana Conference adopted a motion asking the
countries having navigable rivers to study and make a report to the next conference in regard to eliminating the obstacles to their navigation.

The Conference also adopted a resolution recommending to the Governing Board of the Pan American Union the convocation of a union of experts to study (1) the most effective means of establishing steamship lines connecting all the American countries, and (2) methods of eliminating unnecessary port formalities.

(3) Railway Communications

As a result of the efforts of the First Pan American Conference in 1889, a route along the summit of the Andes was laid out for a railway that was to link New York City and Buenos Aires. At the Fifth Conference a body of experts reported that this original route should be abandoned because the construction costs were prohibitive and because the traffic drawn to such a route would not be as great as that attracted to other routes.

The question of what route to follow was warmly debated at Havana. A motion was passed resolving to maintain the Andes route but approving the newly suggested route as a supplementary line.

(4) Electrical Communications

International cooperation has proved as essential in the field of the radio and the telegraph as in the case of railways. The Havana Conference passed a resolution
calling attention to the Conventions of the two previous conferences; one at Mexico City covering both radio and telegraph, and one at Washington covering radio, and recommended that they be promptly considered and ratified by the states of the Pan American Union.

Committee No. V on Intellectual Cooperation.

As in the other commissions, the program of the fifth was determined by the Governing Board of the Pan American Union. It consisted of nine topics, all of which were considered as follows:

(1) The Pan American Institute of Geography and History

The purpose in establishing such an Institute is to initiate, coordinate, and distribute geographic studies in the American States. Perhaps the study of boundaries will be its greatest contribution. It will be located in Cuba since that country is willing to provide the necessary building.

(2) The Pan American Institute of Intellectual Cooperation

The Havana Conference passed a resolution creating an American Institute of Intellectual Cooperation. Its immediate end is (1) to arrange the exchange of professors and students between the different American countries; and (2) to encourage the creation of special chairs of history, geography, literature, sociology, hygiene, and law in all the higher schools of learning in the signatory states.
(3) Convention on Intellectual Property

The Havana Conference amended the previous convention protecting the copyrights of literary and artistic works made at Buenos Aires in 1910 by extending protection to moving picture films and phonograph records and the "Applied Arts" of whatever human activity.

(4) Journalism

A resolution was adopted providing for periodic conferences of Pan American Journalists and also recommending that false and vicious information tending to prejudice the good name and interests of any of the American countries should be prohibited.

(5) Motion Pictures

It was recommended that the American governments be especially watchful in prohibiting the showing of pictures that were inexact in their representation of the national character and customs of any of the American countries or that were prejudicial in their character as to offend the public sentiment of the country in question.

(6) Instruction in Political Economy

It was recommended that the American States give greater emphasis in their instruction to their students in the political and constitutional basis of the states.

Twelve hundred copies of the Spanish Dictionary by Rufino Jose Cuervo were authorized to be published at the expense of the Spanish speaking countries. The Pan American
Union was also authorized to receive private contributions (25) therefore from the United States, Brazil, and Haiti.

(7) Pan American Pedagogical Congress

A pedagogical congress was to be called with representatives of all of the types of schools from the American States for the purpose of studying the status of education and the reforms which should be adopted and the exchange of professors and students.

(8) Bibliography, Maps and Book-post

(a) The Conference authorized the appointment of a committee of experts to prepare a bibliography of the American Continent.

(b) It was recommended that steps be taken to abolish postage on magazines of one American country circulating in another, and that the tariff duties on books should be suppressed or reduced.

Committee No. VI on Economic Problems.

Because the economic problems, that might profitably be considered by this conference, were so numerous the Governing Board in preparing the agenda was forced to select those topics it thought best for this non-technical committee to consider. The subjects discussed fell under six heads.

(a) Uniformity of Legislation on Consular Fees

The Conference passed a resolution approving the conclusion of the Pan American Commission on Consular procedure and asked that the Pan American Union convene a
second session of the Committee to further its study along these lines and in addition to study the question of uniformity of consular fees and rights, submitting its report to the Governing Board of the Pan American Union.

(b) Conference of Chambers of Commerce and the organization of an inter-American Chamber of Commerce

The proposition of the commission on this topic was approved by the Conference in the plenary session on February 3. It recommended that the Fourth Commercial Congress study the most effective way of increasing the relations between the commercial organizations of the members of the Pan American Union.

(c) International aspects of Immigration Problems

This is a vital problem to all since every American republic is and has been from the beginning a field for immigration. From one standpoint the question may be international, but at bottom it is for each of the American republics a domestic question. No principle of international law is more universally accepted than the right of each country to determine the makeup of its people and the laws by which they shall be admitted. It is to be observed that, when the American States are spoken of as a continent, it is with the idea in mind that the interests of the American continent are to be safeguarded against imposition from without. It is one thing to regulate immigration from the Old World; and it is another to seek to impose restrictions
upon immigrants from one American country to another.
At this Conference immigration was looked upon as a domestic question as regards the establishment of quotas against the non-American world but as an international question worthy of discussion when it came to limiting or determining the number of citizens that may move from one American state to another.

The Conference decided it best to postpone the technical discussion of this question until the meeting in March 1928 of the Second Emigration and Immigration Conference.

(d) Trade Marks

Throughout all of the previous Pan American Conferences the United States had taken a great interest in the subject of trade marks and the Sixth Conference proved no exception. It was generally recognized at this Conference that the trade mark situation was not what it should be. There were several trade mark conventions in existence some of which had been accepted by a few of the American states, but since there was no uniformity of practice confusion resulted. The situation as it stood at the close of the Fifth Pan American Conference allowed trade marks to be registered in one of two American international bureaus by paying a fee of fifty dollars. In many cases applicants had to pay fees in addition to that charged in the particular state in which they wished to sell their goods in order to
be protested and this was thought to work a hardship on the inventor. Many found it more convenient to seek registration directly in each state and not through the medium of the Bureau. Statistics showed that while the registration of trade marks in the American states was a failure the world international bureau at Berne, Switzerland was a decided success.

Several reasons were given for the failure to establish a Pan American trade mark system. One was the belief of many delegates that there was no justification for the maintenance of a double registration system and that the registration at Berne was sufficient. The most important reason being that there were few Latin-American countries interested in the registration of trade marks in the United States—while there were hundreds of American business men who wished to register their trade marks in Latin-America. This perhaps explains why the United States always considered this subject one of the greatest benefits of the Pan American Conferences while the Latin-American countries took little interest in it.

Some of the delegates pointed out that a diplomatic conference was not the place to study such a technical matter. In consequence a resolution was adopted recommending that a special conference be called in the near future to consider the problem of inter-American protection of trade marks. It was decided that the conclusions of such
a conference should be referred directly to the governments without the necessity of referring them to the Seventh Pan American Conference.

\{(e) Statistics\}

The Conference recommended that a Committee of Experts prepare an inter-American convention on the statistics of maritime, river, land, and air communication.

\{(f) Standardization\}

On several occasions previous to the Sixth Conference, conferences had been held that had made resolutions establishing common types of nomenclature, uniform standards relative to the quality and quantity of raw materials and industrial products. The Havana Commission approved a report of the Mexican delegate recommending that commissions of producers and consumers, exporters and importers be established to work together in aiding the intercourse of the American States. It was also provided that a meeting of the Third Pan American Conference on Uniformity of Standardization be held in Cuba in the near future.

In addition to the topics contained in the program, resolutions were introduced in favor of the adoption of the metric system and a uniform currency; also a series of proposals relating to agricultural cooperation. These were approved by the Commission and by the Conference in plenary session.
Committee No. VII on Hygiene and Social Problems.

This Commission had finished its work long before some of the others were under way. It held only five sessions, a smaller number than any of the main commissions except Committee No. VIII. Without a doubt the speedy work of this commission did not defeat its aims or efficiency. It is interesting to notice the method it used in making its resolutions in so short a time. In the first place, the chairman of the Committee, Mr. Aristides Aguero, of Cuba, had been chairman of a like committee in the Fifth Conference of Pan American States, therefore he was prepared by experience to be an expert presiding officer. The Commission was divided up into five technical groups of expert advisers, each considering and passing on those subjects that would otherwise have come before the entire Commission. Each project as it emerged from the committee was adopted unanimously by the Commission—the result being that no time was lost. Then too the ease and efficiency with which it worked was partially due to the fact that the topics for consideration were somewhat less controversial than those of other committees.

The Commission presented its conclusions in the form of nineteen resolutions. Some of the more important were as follows:

(1) Recommending the ratification of the Pan American Sanitary Code by those countries that had not yet ratified;
(2) Recommending that the governments send to future Pan American Conferences technical advisers and also reports on the progress realized in hygiene in their respective countries; and that they increase the exchange of hygiene and health experts;

(3) Recommending that the governments give their hearty support in time of peace as well as in war to the Red Cross movement;

(4) Recommending that future Health Conferences of Directors deal with the exchange of ideas and expenses relative to public hygiene;

(5) Recommending the governments establish special schools for sanitary instruction;

(6) Recommending that future Pan American Conferences include on their program the study of methods of material improvement of conditions of laborers on the American continent.

Committee No. VIII on Progress of Past Conventions and Resolutions.

The purpose of this committee was to compile information as to the extent to which the treaties, conventions, and resolutions of past Pan American Conferences had been carried into effect. Its report showed that:

(1) Nine states—Brazil, Chile, Cuba, United States, Guatemala, Haiti, Paraguay, Venezuela, and Mexico had ratified the Convention to Present Conflicts between American States, signed at the Fifth Conference in 1923.
(2) Seven states—Brazil, Cuba, United States, Guatemala, Haiti, Paraguay, and the Dominican Republic had ratified the Convention of 1923 on Trade Marks.

(3) Nine states—Brazil, Costa Rica, Cuba, El Salvador, Dominican Republic, United States, Guatemala, Haiti, and Paraguay had ratified the Convention for the Publicity of Customs Documents.

(4) Nine states—Brazil, Costa Rica, Cuba, El Salvador, Dominican Republic, United States, Guatemala, Haiti, and Paraguay had signed the 1923 Convention on the Uniformity of Nomenclature for the Classification of Merchandise.

The report of the progress of past resolutions showed that ten technical conferences had been held between 1924 and 1927.

The governments were asked to take particular notice of the progress in the future of the Conventions that were made at the Havana Conference and to be able to report at the next Conference why they had not been carried into effect, if that were the case.
The problem that has repeatedly presented itself for consideration at all of the Pan American Conferences has been that of the organization of the Pan American Union. It is through this Union that the rules and conventions of the inter-American States are to be enforced, and the development of this organization has been of necessity very gradual. As each succeeding conference met, it proposed and established new ideas for the organization of the Union in order that it might become more effective. In Chapter I of this study, the development of the Pan American movement was traced through the first five conferences in order to prepare the reader for the discussion of the reorganization of the Pan American Union—a discussion which occupied the most prominent place in the deliberations of the Havana Conference.

To Committee No. I fell the momentous task of considering the status of the Pan American Union, and in its discussion three main questions arose: (a) whether or not a convention defining the status of the Union should be adopted; (b) what form the organization of the Union should take; (c) what its powers should be.

Hitherto, the Pan American Union had not rested upon a treaty basis but merely upon the resolutions of each successive Pan American Conference. Enthusiasts of the Pan American movement had felt for some time that the dignity
of the Union would be enhanced in the eyes of the world if it were created, and its actions were governed by a convention adopted by all of the American Republics, thus carrying the force of international law. The Fifth Conference at Santiago in 1923 felt this need so strongly that it passed a resolution that the succeeding conference should consider the matter of placing the Pan American Union on a convention basis. As a result, the Governing Board prepared a draft convention which was submitted to Committee No. I at Havana, whose final report recommended that such a convention should be signed.

The next problem to decide was whether the assent of a majority of the States would make the Convention effective. Mr. Guerrero moved that the Pan American Union Convention should go into effect upon ratification by a majority of the States and if a State did not ratify within two years it would be considered to have given notice of withdrawal from the Union. But the proposal was rejected in favor of the plan that all of the twenty-one republics must sign the Convention before it could go into effect. It was also provided that amendments must have unanimous ratification before they become operative.

In imitation of the League of Nations Convention, it was agreed that "The contracting states may withdraw from the Pan American Union at any time, but shall pay their respective quotas for the period of the current fiscal year."
In order that the Union might not be dissolved during the period from the close of the Havana Conference until the ratification by all the Republics of the Pan American Union Convention, a resolution was passed simply stating that "the Pan American Union will be controlled by the resolutions in force until the States composing it resolves to the contrary".

Thus the Pan American Union rests upon a resolution today, as it always has from the time of its beginning and it may continue to do so unless this Union Convention is ratified by all the States. It will no doubt be a long and laborious task to get twenty-one legislative bodies to take action on this Convention even though they might be enthusiastically in favor of it. Press reports seem to indicate that at least some of the parliaments are against the whole Pan American idea. At last the problem has been put squarely before the American Republics to show their faith or lack of faith in the whole Pan American movement.

From time to time Latin Americans have expressed a fear that the Pan American Union was under the growing domination of the United States. They pointed to the fact that the home of Union was in Washington and even went so far as to suggest its removal to some other country. They criticized the fact that the Secretary of State of the United States has always been the chairman of the Governing Board. At the Fifth Conference at Santiago it was
decided to elect the Chairman of the Board, thereafter. However, the rivalry for this position became so keen that it was decided to automatically elect the Secretary of State of the United States as chairman and to rotate the position of Vice-Chairman among the other members in accordance with the length of their residence in Washington. Complaint was also made of the fact that the Director General of the Union was a citizen of the United States and at the last two Conferences was a member of the United States delegation.

Before 1923, the representatives on the Governing Board consisted of the diplomatic representatives of the American Governments accredited to Washington. Under this system, a state not recognized by the United States government was deprived of its representation in the Union. The Santiago Conference remedied the situation by allowing a state to appoint a special representative to the Union in case it were not recognized by the United States government. Despite this change, the Governing Board continued to be a diplomatic body--some were ambassadors, others ministers, and still others of the rank of charge d'affaires.

Such was the situation when the Havana Conference opened. In the first week the Mexican delegation proposed six amendments, five of which aimed at reducing the influence of the United States and making the Union more democratic. These amendments were as follows:
(1) The Governing Board should be composed of the representatives whom the Governments may deem it convenient to appoint.

(2) A Director-General should be appointed annually and the position should rotate between the countries.

(3) The Director-General should not accept from the Government of any country other offices or Commissions than those of a purely educational nature.

(4) The appointment of the Chairman and Vice-Chairman should be renewed annually, according to alphabetical order.

(5) The Pan American Union should not be assigned any political functions.

(6) The Governing Board should decide which posts on the staff of the Pan American Union it deems convenient to be held by the Latin-American Nations.

Mr. Hughes, on behalf of the United States delegation, opposed the method of rotation, both as to the Chairman and Director-General of the Union. At the Fifth Conference the Chairmanship of the Governing Board was democratized since it was made an elective one and even though the United States Secretary of State had always held that position there was nothing to prohibit a citizen of any other country from being elected to it. Mr. Hughes, who had himself been Chairman during the four years of his secretaryship of State, denied the claim that the Chairmanship gave any preponderance to the United States, saying that it had not been so under his Chairmanship. He was opposed to the idea of rotating
the positions of both the Chairman and the Director-General mainly because such a plan would utterly destroy a continuity of policy. In an effort to compromise the two conflicting views—of free election vs. rotation—it was proposed that after the same person had served as president for two terms another should be elected. Although Mr. Hughes was willing to accept this proposal, Santo Domingo, Brazil, Argentina, and Venezuela refused to depart from the principle of free election. Mexico's proposal for an annually rotated Chairman was defeated by a vote of nineteen to one, while her proposal for a rotating Director-Generalship was withdrawn until the next Conference.

The proposition in regard to the selection of representatives of the Board had much to say for itself. The American Republics should be free to appoint whatever representatives they choose to the Governing Board. If they preferred a layman to a diplomatic agent, there was no reason why the former should not be appointed. This would involve a double outlay of representatives in the United States—a diplomatic agent and a political agent. The main objection offered to this double aspect of representation was that there might grow up a lack of harmony between the diplomatic and the political agent of the same country. Despite this fact, some of the Latin-American countries felt that the actions of their representative on the Governing Board of the Pan American Union could not be entirely independent
of the thought of whether or not on the morrow he might be handicapped in dealing with the Secretary of State of the United States in his diplomatic capacity because of what might have transpired when both were representing their respective countries in a political capacity. This matter was left for each State to determine for itself. It may send a representative to the Pan American Union outside of its regular diplomatic officer credited to Washington if it so desires.

In one respect, however, the Mexican proposition was clearly justified. It would be manifestly unfair to any American Republic, which the United States had not recognized, if that Government were not represented on the Governing Board merely because it had no officially recognized diplomatic agent in Washington.

The proposal barring the Director-General from holding other offices was aimed at Dr. Rowe's position as delegate to the Conference from the United States. It led to the explanation by Mr. Hughes that the only reason Dr. Rowe was a member of the delegation was because there was no appropriation available by which he could come representing the Union. To prevent this situation from recurring, Mr. Hughes proposed an amendment stating that the Director-General should attend the Conferences in an advisory capacity, and at the expense of the Union. This provision was incorporated in the Pan American Union Convention but not in
the resolution which governs the Conference until the Convention goes into effect. Therefore, if the Seventh Conference meets before the Convention goes into effect the question will arise whether the Governing Board will pay Dr. Rowe's expenses. In view of a provision already in the budget, this would seem possible.

A resolution was adopted based on Mexico's sixth proposal that the Director-General shall appoint the personnel in the Union, "endeavoring as far as possible to distribute the positions among the Nations of the countries members of the Union". While the Pan American Union has no published regulations which provide for recruitment by examination, a salary schedule, advancement, and discipline, it emphasizes among its workers special fitness for the work to be done.

In regard to the fifth proposal of Mexico that political powers be denied to the Union, let us first look back in order to see just what discussions of political affairs have come up in the Pan American Conferences to be handled by the Union. The movement to give political powers to the Pan American Union reached its height at the Santiago Conference in 1923 and definite action might have been taken then had it not been for the unsympathetic attitude taken by the United States. It was here that Uruguay and Costa Rica suggested the establishment of an American League of Nations. In 1924 the American Institute of International Law suggested that the Union might be used as a place to
exchange views on any controversial subject that arose between the Republics.

Mr. Maurtua of Peru made a similar suggestion at Havana and the agenda contained a proposal made in 1927 by the Rio Jurists to give the Governing Board authority to conciliate disputes between the American States in regard to neutrality.

The Cuban delegation proposed the creation of a section in the Union on International Conciliation to investigate the causes of conflicts between the American Republics and to attempt to bring about harmony. It had even been suggested that the United States should consult with the Union to determine whether intervention in a given situation would be desirable. From this brief resume of current feeling it is easily detected that there was considerable thought at this time in regard to giving the Pan American Union political powers.

Early in the Conference, Mexico and Salvador took up the fight against any attempt to strengthen the Union for they feared this would merely increase the control of the United States over Latin-America. Hence the proposal from Mexico denying to the Union the exercise of any political powers.

Mr. Varela of Uruguay led the opposition by proposing an amendment to the effect that this prohibition could be overruled by the unanimous consent of the contracting states,
through their representatives on the Governing Board. He did not believe a permanent bar against a conciliation of disputes should be set up in case several States should unanimously want the assistance of the Union.

The representatives of both Brazil and Colombia spoke fervently in favor of the Veracruz amendment but despite these pleas the amendment was defeated by a vote of 12 to 6. Costa Rica, Cuba, Paraguay, Colombia, Uruguay, and Guatemala voted in favor of it. The United States remained silent during the debate but voted "no". Thus the Mexican proposal to bar all political powers from the Pan American Union was adopted unamended.

Throughout the remainder of the Conference any subject that had the faintest hint of a political matter was eliminated from discussion on the grounds that it was a political question, for the Convention states that not only the Governing Board but also the Pan American Conference is barred from exercising political functions.

Several other restrictions were imposed on the Governing Board, which may also prevent its institutional development. The draft convention for the Pan American Union stated that the Governing Board should derive its powers from the Convention and also from the resolutions passed at the various Conferences. But the Convention was amended so as to provide that the Governing Board should derive its powers only from the Convention, of which its most important ones
are to "assist in the development of commercial, industrial, agricultural, social, and cultural relations in the study of the problems of labor, and of a more intimate mutual acquaintance between the American Republics." (13)

Thus the powers of the Board cannot be extended by successive Conferences as in the past but only by an amendment to the Convention.

Having barred political activities, restricted the powers of the Board to those granted in the Convention, and provided for the unanimity on the Governing Board at the request of any State and for the unanimity in amending the Convention, it would seem that the Havana Conference has effectively prevented any important development of the Pan American Union—at least along political lines.

Argentina Attacks the Tariffs.

It was in Committee No. 1 that attempts were made to bring important economic questions within the purview of the Pan American Union, or at least to mention them in the preamble of the Convention. As originally drafted, the Convention of the Pan American Union contained no preamble but Mr. Guerrero of Salvador stated that a preamble was needed that recognized the juridical equality and independence of all the American States.

When it was decided to draw up such a preamble, Mr. Pueyrredon of Argentina insisted that it embody a declaration in regard to the reduction of economic barriers. He first brought the question up before Committee No. 1 on January 28.
In a speech of nearly two hours, he declared that originally economic unity was the principle basis of Pan Americanism. He recalled that the purpose of the United States in 1889 in calling the First Pan American Conference had been that the suggestions of the Congress of Brussels might be carried out in favor of an international customs union. He maintained that the United States government, under the leadership of Secretary of State Blaine, at that time envisioned a uniform tariff system for the American Republics and that the United States had failed to carry out this idea.

In other words, he accused the United States of inconsistency in policy. Mr. Pueryredon pointed out that Pan Americanism so far could point to very few important results in regard to commercial progress. In fact, the present economic order had produced two definite hindrances to Pan Americanism. They were (1) high customs tariffs and (2) the so-called principle of equality of costs. Both of these principles he attacked as not affecting the commerce of the American States equally, because of different characteristics and classes of products.

Characteristic of several of the leading American Republican newspaper comments in regard to the attack on tariffs at Havana was the statement that the discussion was purely academic and evidenced a strong grievance against the United States on the part of Argentina, which happens to be the only rival of the United States among the American
The New York Tribune (Rep.) condemned altogether the fantastic suggestion that the Pan American Union standardize tariffs. It said:

"Tariffs are regulated by the revenue and other economic needs of individual nations and must continue to be so regulated unless the nations concerned become politically federated. Pan Americanism implies economic friendliness. There is no good reason for seeking joint action. The program is illusory." (15)

The New York World—a representative low tariff newspaper pointed out that Argentina assumed the role of spokesman because she had more at stake. Climate makes that country a natural competitor of ours and the Fordney-McCumber Tariff now puts heavy duties on cattle, meats, corn, wheat, and flaxseed. One grievance Argentina nursed against the United States was the embargo on meat, imposed by the Department of Commerce as a sanitary measure. Still others explain Mr. Pueyrredon's attack on high tariffs as due to his desire for publicity at home in order that he might more favorably enter the coming election campaign that was about to open.

Whatever was the cause of the attack, it was evident that all the South American delegates were by no means unanimous in their desire to get rid of customs revenues, nor was it to be expected that a Republican delegation from the United States could accept such a suggestion in the year of a presidential election. The United States stood against it on the ground that the tariff was a purely domestic question. Although Mexico and Venezuela first
supported Argentina, the final vote was unanimous against the inclusion of Mr. Pueyrredon's proposal which he desired included in the Preamble of the Pan American Union Convention. His rejected proposal was as follows:

"Economic cooperation being an essential factor in the realization of these purposes, the signatory States tend to the suppression of unjust obstacles and excessive artificial barriers which may hinder natural interchange or restrict the liberty of commerce between the Nations of America, without according privileges or creating exclusions." (18)

Mr. Hughes made a speech in answer to the Argentine position in which he said:

"We are desirous of promoting Pan American cooperation—not of destroying it.——The right to protect the people of a country in determining what goods shall enter a country, what duties shall be imposed, or what export taxes shall be imposed is of the essence of sovereignty.——To introduce the Pan American Union into these most delicate of all subjects, relating to the exercise by independent and sovereign states of their will, with respect to the articles coming in or leaving their boundaries, would be simply to invite the destruction of the Pan American Union by making it the center of controversies which it could not resolve and to put it in opposition to the Parliaments of the various states." (19)

Moreover, he went on to say, it was difficult to draw the line between political and economic questions, and the United States had come to regard the tariff as a political question. Argentina had voted against granting political powers to the Union; yet now it proposed to extend its scope in economic matters. Mr. Hughes closed by saying:

"Let us continue our cultural work, our cooperation in those lines in which we feel we have a common interest; where we realize that good can be accomplished; and let us not destroy the Union by attempting to make it a tariff commission or a tax commission, for the purpose of impinging on our respective authority as independent states." (20)
When the government of Argentina saw the turn of affairs and the likelihood of the dissolution of the Union over this economic question it sent word to Mr. Pueyrredon to sign the convention. Mr. Pueyrredon feeling that his government had gone back on its instructions to him resigned from the commission and Mr. Olascoaga then became head of the delegation. The Convention was signed with a preamble that "promoted efficaciously the harmonious development of their economic interests." Argentina, Mexico, and Colombia stated their regrets not to see included in this convention the economic principles which Argentina had advanced in the Committee.

New Duties of the Union.

Although the Conference declined to grant the Union any political or important economic powers, it did impose a number of new duties on the Union, the naming of which will give an idea of the present scope of its activities.

(1) The duty of convening conferences was imposed on the Union in fourteen different cases.

(2) Duties of an educational and cultural nature and those relating to social problems were also imposed on the Union.

(3) The Pan American Union was made responsible for special investigations such as:

(a) The publication of statistics on foreign commerce of the American Republics.
(b) A study of the regulation of the agricultural and industrial use of international rivers.

c) Data on the construction of a longitudinal highway to traverse the Continent.

d) A project on the adoption of a standard coin for the American Republics.

e) Proposals in regard to agricultural cooperation, etc.

(4) Obligations relative to depositing the ratifications and notifications of accepted Conventions.

(5) A large number of duties relating to the Seventh inter-American Conference were placed on the Union.

Thus a large number of non-political duties were imposed on the Union at the last Pan American Conference, many of which are, however, purely ministerial in nature.
CHAPTER V

THE POLITICAL QUESTIONS DEFERRED FOR FUTURE ACTION.

A cause of serious disagreement at the Havana Conference arose when the Committee on the Codification of International Law discussed the third article of the project concerning the "Existence, Equality, and Recognition of States." The question of intervention as it was discussed in Committee No. II cannot properly be considered as an accomplishment of the Sixth Pan American Conference, but rather as a political question, heatedly discussed and finally deferred for future consideration.

The questions over intervention roused more feeling than did the economic questions. It proved very difficult for the delegates to discuss the Nicaraguan situation, since the governments of both the United States and Nicaragua were in agreement and even though Mr. Hughes was willing a discussion of the specific case was not attempted. The fact that the American Marines were actively engaged in the pursuit of Sandino in Nicaragua prevented the Conference from proceeding with all the directness desirable and led many into the error of having in their minds a special case while discussing a general question.

Before dealing with the debates at Havana on the subject of intervention, let us consider the conflict between the prevailing attitudes as to what actions result in that type defined "the means of forcible interference
of a great state or combination of states in the affairs of small states, without a declaration of war."

There are three views as to intervention:

(1) The non-intervention view held by most of the Latin-American governments: all states are equal and independent, and a great state has no right, therefore, forcibly to impose its will upon a small state. A small state should have the same right to work out its own destinies as a large state—the same right to hold revolutions that the United States, France, and the other great states have exercised in the past. This view recognizes that all states have duties, but it does not hold that the independence of a state depends upon their fulfillment as interpreted by a great state.

(2) The view of national intervention held by the government of the United States. Whenever conditions in Latin-America which cause governments to break down and whenever American property and lives are threatened, the United States government has the right if not the duty, under the Monroe Doctrine, to intervene for the purpose of bringing about a stable regime.

(3) The view of international intervention which admits that intervention in certain circumstances is justified, but believes that, as long as one state decides for itself whether intervention shall take place, the exercise of the "right" may be abused. It is possible for the
Foreign Office of a country to bring about intervention without any authorization from Congress and in some cases action may have been taken on hasty judgment and a misunderstanding of facts. All this could be avoided if the decision to intervene were submitted to the collective scrutiny of an organization such as the Governing Board of the Pan American Union or the League of Nations.

All three of these views as to intervention were presented at Havana, and the question came squarely before the Conference in connection with the proposed codification of public international law.

The subject of intervention had been given considerable attention by groups other than the Pan American Conferences, such as the American Institute of International Law and the Committee of American Jurists which met in Rio de Janeiro in April 1927.

In the code of international law drafted by Mr. Pessoa on behalf of the Brazilian Government in 1912, the principles regarding intervention were stated as follows:

"No state shall intervene in the domestic affairs of another. Neither a treaty authorizing intervention in case of civil war, nor the invitation or formal consent of the government against which a revolution is directed, will make intervention legitimate." (6)

Following the Santiago Conference in 1923, the Governing Board of the Pan American Union asked the American Institute of International Law to prepare a draft code of international law to be submitted to the Pan American
Commission of Jurists which was to meet in 1927. The committee of the Institute reported a clause in its draft prohibiting the intervention of non-American states in American affairs. But this proposal was amended to apply this prohibition against American States as well. A final project against even the temporary occupation of American territory by any other state was submitted by the Institute to the Commission of Jurists.

The Commission of Jurists hesitated somewhat in considering the subject of intervention at all since at the time of the meeting (1927) United States was in Nicaragua. Mexico sent word to the Commission to make an express declaration condemning the policy of the United States, but the President of the Commission replied that the body was of an "exclusively juridical character" without any authority to take such action as was requested. The steering committee was so afraid of the question of intervention that it decided to set aside the extreme non-intervention proposal of the American Institute for the Pessa Code. Later the committee decided not to discuss any non-intervention agreement. But such an evasion did not satisfy some of the members of the Commission of Jurists. Mr. Luis Anderson of Costa Rica urged the adoption of the provision in the Pessa Code which declared "No state may intervene in the domestic affairs of another." Argentina favored a more extreme proposal but the Jurists finally agreed that
they should go no further than to express an approval of the Pessoa Code.

The question then arose as to how intervention should be defined. The Argentine delegate expressed sympathy with the idea of international intervention. He believed the present tendency to place the solution of matters of an international character in the hands of a community of states would increase with the growth of world solidarity and that this was the only sound method of procedure.

Dissatisfaction with the mildness of the adopted Pessoa Code in regard to intervention was shown by a number of delegates as the meeting progressed. Delegates of Argentina, Haiti, and Santo Domingo introduced extreme non-intervention proposals. Mexico and Haiti and the Dominican Republic advocated the adoption of the project framed by the American Institute on International Law. It was finally decided, apparently with Nicaragua in the background, that these different projects should be simply listed in an "historic exposition" in the record and submitted to the "sympathy and consideration" of the Conference at Havana. The Commission of Jurists closed by adopting the phrase "Ninguno Estado en los asuntos internos do otro." The United States interpreted "internos" to mean domestic. Such an interpretation agreed to the principle of non-intervention in "domestic" affairs of another state but allowed a country to interfere whenever foreign lives and
property were lost since this was an external matter. When the Pan American Union translated the word "internos" in making up the agenda for the Conference at Havana it gave the word the meaning of "internal"—perhaps a little broader interpretation than the word "domestic". So the proposal before the Havana Conference was that "No State may interfere in the internal affairs of another." (7)

On February 4 Mr. Maurtua of Peru, as Reporter of Commission No. II on Public International Law, presented a report which utterly ignored the work and recommendation on intervention prepared by the Rio Jurists submitted to the Havana Conference through the Governing Board of the Pan American Union. He submitted instead a proposal in favor of a declaration of the principles made by the American Institute of International Law in 1916. He stated that before a codification of law could take place there need be adopted "an organic charter of an international community" such as that prepared by the Institute of International Law in 1916 called the Rights and Duties of Nations. These "Rights and Duties" as summarized by James Brown Scott are as follows:

(1) "The right of conservation of every state is limited by the existence of other States."

(2) Independence is not an absolute right. It is limited by justice and cooperation. Sovereignty is a supreme internal power and its external aspect is independence. In these respects the States are their own masters. But they may not exercise their power to the injury of a right as legitimate as their own. They may not exercise their independence so as to ignore the duties of society in which they live."
Equality is the synthesis of all rights. It presupposes the same privileges and the same capacities, the same rights and the same duties, the same limitation of all by the just right of the others.

There can neither be society nor cooperation if each one should exercise its rights to the limit of its proper power or of its arbitrary will, or if the exercise of its rights should not take note that others should likewise have equal rights. The new conception of international law consists precisely in eliminating the old assertion of exclusive rights of the States to replace it by the assertion of rights and duties." (8)

Mr. Maurtua concluded his report by saying that no other official declaration on law advanced the boundaries so clearly towards the new horizons of international law. He stated that this Declaration of 1916 was the Magna Charta for a large part of the World and that at the present it was the "most beautifying conquest which we can realize."

Maurtua apparently wished to authorize intervention in those cases where a state had not fulfilled its duties. He hinted, however, that he favored some form of international responsibility for intervention.

Mr. Hughes, of the United States, immediately spoke following Mr. Maurtua, supporting the Proposal, saying that he would like to see "that Magna Charta created for the Western Hemisphere." He paid high tribute to the American Institute of International Law that formulated the "Declaration of the Rights and Duties of States in 1916" ignoring the fact that this same Institute was the author of a much more extreme non-intervention proposal.
made at a later date.

Even though such outstanding men as Mr. Maurtua and Mr. Hughes opened the discussion in the Committee in favor of Mr. Maurtua's Report, widespread approval among other Committee members did not follow. Mr. Guerrero of Salvador asked why Maurtua had forgotten the work of the Jurists of Rio. He cited the minutes of the Rio meeting to show that the non-intervention proposal had been adopted unanimously and that Maurtua himself had voted for it. According to the agenda, the Havana Conference was obliged to consider the Rio Report since governmental instructions to the delegates had been based upon it.

Mr. Salazar, head of the Guatemala delegation denounced Maurtua's report as entering "into the field of the subjective and the abstract" and that his principles were "vague, lacking in precision and obscure." He stated that he could not conform to these declarations for a code should be unequivocal.

Mr. Jacinto de Castre of Santo Domingo adhered "without any reserve" to the statement of the Guatemala delegate. He said, "there is nothing in the Maurtua report which can satisfy the unquiet spirit of our peoples." He did not think the proposal went far enough.

Mr. Pueyrredon of Argentina, Mr. Urdaneta of Colombia, and Mr. Amezago of Uruguay all voiced their disapproval of the Maurtua report as evading the issue by simply pro-
claiming the principles of natural law without converting them into principles of positive legislation.

In the next session of the Committee, still other delegates expressed their disappointment in the Maurtua report and declared that their governments would not adhere to it. Thus, a total of thirteen states made strong declarations in favor of the principles of non-intervention accepted by the Rio Jurists as opposed to the acceptance of the Declaration of the Rights and Duties of States as reported by Mr. Maurtua. Ecuador and Brazil were less enthusiastic about the Rio report, while Chile favored referring the matter to a sub-Commission. On the other hand the Declaration of 1916 of the American Institute of International Law was favored, not only by the delegates of Peru and the United States, but also by the delegate of Nicaragua and the delegate of Cuba.

At the close of the second session of the Commission it was decided to refer the Maurtua report to a Sub-Committee, composed of Maurtua of Peru, Hughes of the United States, Elorduy of Mexico, Castro of Costa Rica, Guerrero of Salvador, Pueyrredon of Argentina, and Lira of Chile. This sub-committee met in secret until February 17, trying with little avail for a reconciliation of the two divergent views of the non-intervention schools. Agreement being impossible, it was decided unanimously to postpone the matter until the Seventh Conference.
Although the matter was supposedly dropped until the next Conference, the subject of intervention was not "downed" for in the plenary session of February 18, just before the closing date of the Conference, when the resolution postponing the intervention question until the next Conference was read. the new head of the Argentine delegation, Mr. Olasceaga, arose and stated that the Argentine delegation while respecting the decision of the assembly greatly regretted that no solution had been reached, but that he wished to reaffirm Argentina's convictions in regard to non-intervention. One by one, delegates from thirteen states in all, arose and expressed regrets that the Conference was unable to agree on this point.

Following these statements, Mr. Alvarado of Guatemala asked why the Committee of Public International Law could not reach a decision in view of the manifestations just made. In reply the Chairman of the Committee, Mr. Guerrero, stated that an agreement within the Sub-Committee had not been possible, but in view of the declarations just made apparently agreement now existed. "It seems to me," he said, "that all of the Delegations have spoken in this spirit." Thereupon President de Bustamante requested the delegate from Salvador to draw up a formula of a general character.

Other business was then transacted and the Conference was temporarily adjourned until the next day. This adjourn-
ment allowed informal discussion to take place among the delegates concerning the unexpected turn of events.

When the Conference resumed its session, Dr. Guerrero presented the following motion:

"The Sixth Conference of the American Republics, taking into consideration that each one of the delegations had expressed its firm decision that the principles of non-intervention and the absolute equality of States should be roundly and categorically stated, Resolves:

No State has the right to intervene in the internal affairs of another."

Thus the debate on the subject was unexpectedly reopened. Mr. Paul Fernandez of Brazil stated that no agreement on intervention could ever be reached until international law was codified and a strong international organization was established. He went on to say that there must be a misunderstanding, for while there was unanimous regret at the failure to reach an agreement, there was no agreement that the subject should not be considered. He asked that no vote be taken on the new motion.

While most of the delegates favored no action at the present, Salvador and Mexico favored immediate action. Mr. Elorduy of Mexico wished to have the resolution extended so as to include "external affairs" as well as "internal" ones. Mr. Hughes rose and for the first time during the Conference attempted to openly defend the policy of the United States in the Latin-American countries in regard to intervention. He placed the responsibility
for this policy upon the internal conditions of the Latin-American countries. Newspapers reported that Mr. Hughes spoke with great passion as a "man who had been bated to the limit of his endurance." (13)

Following Mr. Hughes' speech, Mr. Guerrero arose and stated that he would withdraw his motion since it was evident that unanimity could not be obtained. Mr. Maurtua then stated that the "delegates had assumed an uncivilized attitude and that in place of judicial formulas they had wished to bring a political battle into the Sixth Conference." He accused the delegations who had wished to defend themselves from intervention of not being willing to prepare the organs through which differences or conflicts on the Continent could be ventilated. Mr. Salazar and Mr. Guerrero both protested against the "charges" made by Mr. Maurtua. Words became so heated that Judge de Bustamante, the President of the Conference, sounded the bell and asked the delegates to use words which would not alter the cordiality which had prevailed throughout the Conference. The Conference agreed to withdraw from the stenographic version any words which in the opinion of the President were lacking in necessary delicacy. (14)

The session ended by adopting the motion postponing the consideration of the "Fundamental Bases of International Law and States" until the next Conference which will meet in Montevideo in 1932.
Action on Aggression and Arbitration.

At the last plenary session Mr. Gonzales Roe of Mexico introduced a resolution, which was adopted prohibiting acts of aggression. The text, as adopted February 18, 1928, is as follows:

(1) "All aggression is considered illicit and as such is declared prohibited.

(2) The American States will employ all pacific means to settle conflicts which may arise between them."

When this resolution was previously submitted to the Committee on Public International Law, Mr. Hughes showed his approval by saying:

"It is my happy privilege to say for the United States of America that we would join most heartily in a declaration that there should be no war of aggression in America.-----I desire to show to you the sincere cooperation of the United States which is opposed to any act of aggression; which is seeking nothing but good order, the independence and prosperity of all the American States." (16)

In view of the fact that Mr. Hughes refused to accept any limitations upon the policy of intervention of the United States, it would seem that he did not regard intervention, even if by force, as an act of "aggression."

When we look at the development of the principle of arbitration in the Western Hemisphere we are impressed by the fact that arbitration is not new with us. Francisco Yanes, Assistant Director and Secretary of the Governing Board of the Pan American Union, pointed out in 1913 the fact that Latin-American wars had been civil wars and that their international difficulties had always been submitted
The Constitutions of Brazil, Venezuela, and the Dominican Republic provide for the submission of all international disputes to arbitration before resorting to war. Thirty-six bi-lateral treaties were in effect in the Latin-American countries at the time of the Havana Conference. Eleven were compulsory and excepted no disputes whatsoever from arbitration. United States had so far been reluctant to conclude compulsory arbitration treaties free from excepted disputes. She had always refused to become a party to any convention of the Pan American Conferences that provided for compulsory arbitration. However there was one exception and that was to the Pan American Postal Convention which provides that disputes as to its interpretation shall be submitted to arbitration.

At the time of the Sixth Conference at Havana—only two general multi-lateral treaties were in force—(1) the pecuniary Claims Convention and (2) the Gondra Conciliation Treaty.

Plans for a general American Arbitration treaty were first discussed by the American Institute of International Law in 1924. In 1927 the International Commission of Jurists prepared a project for the pacific settlement of international disputes (through the use of good offices, mediation, and conciliation). This project was referred to the Sixth Pan American Conference and was discussed in the Second Committee.
Mr. Alfaro of Panama, Reporter for Committee No. II, presented his report favoring the principle of obligatory arbitration, with only those minimum exceptions necessary to safeguard the independence and the Constitutions of the States. Although he provided for compulsory arbitration he thought the disputing States should be given the greatest liberty in selecting a court. He suggested that resort could be had to one of the following courts:

(1) A court composed of a single judge chosen by agreement.
(2) A court of three judges, two of which are designated by the parties, and the third, an umpire, names by the first two.
(3) Any other form of court organized by agreement.
(4) The Pan American Court on International Justice if it should be formed.
(5) The Permanent Court of International Justice at the Hague.
(6) The Permanent Court of Arbitration at the Hague.

So it is seen that this report did not propose merely a single court to which disputing states may go, but it laid down the principle of compulsory arbitration, a principle which the United States so far has declined to accept.

Since this report was not made until four days before the adjournment of the Conference there was little time for its discussion in a plenary session. However, when Mr. Hughes spoke on the subject he made clear that the opinion
of the United States was as it had always been, that only certain international questions such as "controversies over treaties and international questions where the claims are for the loss of life or personal injuries to property and where the reparation sought is entirely pecuniary" were proper subjects for arbitration. After several had spoken briefly on the subject, it was decided to postpone the further consideration of the question of arbitration to a conference to be held in Washington within one year. Of course, the assent of the United States to the motion only bound her to take part in the coming conference and not to sign any compulsory agreement to arbitration.

Thus, on the questions of intervention and arbitration no agreement was reached in the Havana Conference itself. Due either to the lack of time or a policy of evasion, it was thought best to devote more serious thought to these vital questions than the Havana Conference had time to give. Although it may appear that the Havana Conference was fruitless in dealing with political questions, we must bear in mind that this Conference was responsible for the Washington Conference that met during the following year. Hence, to follow up the immediate results and outgrowths of the Havana Conference it is necessary to devote considerable attention to the Arbitration and Conciliation Conference, which was itself one of the most important developments of the Sixth Conference.
CHAPTER VI

THE IMMEDIATE RESULTS AND OUTGROWTHS OF THE SIXTH PAN AMERICAN CONFERENCE.

An attempt at this time to state what effect the Havana Conference will have upon the future activities of the Pan American Conferences would be a matter of pure speculation. After all the Pan American countries have had sufficient time to ratify the conventions and resolutions of the Havana Conference, some of which are so vital to the continuity of the Conference—such for instance as the Convention on the Pan American Union, the future status of the movement will be better known. Nevertheless students of Latin-American relations are certain that the Havana Conference placed such iron clad restrictions upon the Pan American Union that there is no chance of it ever developing into a political body. The remarkable change of attitude between the Fifth and Sixth Conferences is noteworthy.

At the Santiago Conference in 1923 an influential part of the delegates were considering the development of an American League of Nations either in one of two ways, (1) by accepting Uruguay’s proposal to create an entirely new organization, or (2) by simply enlarging the powers of the Pan American Union. These plans were discussed quite extensively at Santiago despite the displeasure it brought to the United States. But at Havana whatever feeling existed, concerning the necessity of developing machinery with
which to deal with political questions, it was divorced from any connections with the Pan American Union. The whole question of an American League of Nations was taboo at Havana. Perhaps one reason why the Latin-American delegates did not press the subject was that they had tired of attempting to reform the Union so that all the American Nations would have no equal voice in it and, since it seemed impossible to eliminate the preponderance of the United States, they thought it unwise to allow the Union to handle political questions.

There are other reasons, perhaps, for the failure of any positive political action being taken at the Havana Conference. Without doubt the foreign policy of the United States, which since 1920 has caused her to hold aloof from any form of international organization, also restricted her liberty of action at Havana. Yet, Mr. Hughes, as the chief delegate from the United States, was not alone in expressing an opinion which showed his government's nationalist motives.

The most revealing outcome of the Conference was its disclosure that Latin-America is not a unit in opposing the United States. Some of the Latin-American republics voted against the United States and others with it, while the shifting of blocs of votes on varying issues was quite noticeable. The Latin-American States are not a unified body feeling and thinking childish alike; they are mature countries with the same sort of differences between
themselves as exist between other countries. Therefore, the division of the Latin-American countries was largely responsible for the willingness of their delegates not to press the issue of intervention or to oppose the policies of the United States out of consideration of the special relations of their respective countries with the United States. Mr. Hughes would have found his task of warding off the attack of Latin-America a much more difficult task had it not been that the Latin-Americans were so hopelessly divided. He was successful in making the most of this lack of harmony, playing one faction against another.

Walter Lippman describes the Sixth Conference as a "great triumph and a great disappointment. Those who wanted it to do nothing on major issues came back from Havana happily and triumphantly disappointed. Those who hoped that the Conference would at least begin to clarify the Monroe Doctrine and our Caribbean policy came back cynically disappointed, but some were glad they were disappointed and some were sorry." (5)

Everybody expected that the United States would face a bloc of Latin-American Nations determined at least to censure and perhaps curb our self assumed obligations in the Caribbean. If the mission of our delegates was to avoid such a scolding, it was admirably carried out for after Mr. Hughes had described our policy in very noble terms nobody from Latin-America arose to contradict him or to say that
it was not a very noble policy. But on the other hand, nobody said it was a noble policy. We emerged from the Conference having indulged ourselves in a unilateral vote of confidence on our unilateral policy regarding intervention. Nobody else was prepared to endorse or praise it. The most we were able to obtain from our neighbors was their willingness to sit still and let us talk. The United States did go away from the Conference nevertheless realizing more than ever that her policies are disliked in Latin-America, yet realizing that there is no concert of Latin-American States to oppose her policies. It was made quite plain that the much talked of unity of the Latin-American States against the United States was largely fictitious. These States were not prepared to take risks where their own immediate interests were not involved. Such a unified action would mean that they had outgrown their extreme particularism, their extreme nationalism, and factionalism. If they had advanced this far and were ready as a unified body to object to the foreign policy of the United States the subject of intervention would most certainly be obsolete.

Most of the delegates had private reasons for not taking upon themselves the role of defending the rights of others. They all agreed among themselves that the rights of the various nations had been ignored in the thirty-one interventions by the United States, but they found it more
prudent to remain silent because such a policy suited their immediate practical needs. For example, Cuba, the host of the Conference, desirous of the reduction of the United States sugar tariff and the repeal of the Platt Amendment, could hardly be expected to go crusading for the cause of Nicaragua. The delegation from Mexico was determined to do nothing which would spoil the prospect of a settlement between Washington and Mexico City. Mexicans, like citizens of the other Latin-American countries, are primarily interested in what goes on in their own country; what goes on in Haiti, Dominican Republic, and Nicaragua they take only as of secondary interest. It is understood that the delegations of Nicaragua, Chile, Peru, Cuba, and Brazil were instructed not to stand out against the United States on any important issue. Both Peru and Chile were more or less bound to follow the United States because of incidents connected with the Teona Arico arbitration. The Nicaraguan delegation had nothing to say since it represented the Diaz government which the policy of the United States was maintaining in power. In Central America only Salvador and Panama felt free to oppose the intervention policy of the United States. While the South American nations had many reasons of their own for not wishing to quarrel with the United States, the chief one was that they were not vitally concerned with what goes on in the Caribbean. Argentina, which is politically and economically the least under the
influence of the United States. did raise a flurry about the tariff, but this was no doubt due to her own selfish interest rather than to any good that might come to the other Latin-American countries. Brazil, because of old jealousies, would take an opposite stand on almost any issue from that taken by Argentina. Thus, it was definitely demonstrated that the enormous unpopularity of our policy found no effective political expression at Havana.

An American writer, in partial defense and in partial criticism of the way the United States handled the intervention question at Havana, said that the policy of this country, in recognizing the success of a revolution in Central America, virtually leaves it up to the State Department to decide whether or not its government shall intervene in Central American politics. Such a policy gives the United States the odor of imperialism and yet the sincere intention of this country is not to create an empire. He believed that the statesman-like thing to have done at Havana was for the United States to demand that the Latin-American countries face the full difficulties of the question and in some measure share with her the moral responsibility for dealing with them, instead of maneuvering as she did to stifle discussion. A more logical stand for Mr. Hughes to have taken, this writer believed, was to boldly and frankly have stated that policing Nicaragua is not a privilege which the United States enjoys,
but rather a costly nuisance which it thoroughly detests, and that the time is coming when Latin-America will have to share some part of that responsibility with the United States. Had such a stand been taken the whole Nicereguan business would have been lifted to a higher plane and the United States would have been relieved of the bitter accusation of imperialism. By avoiding such a discussion we merely confirmed the belief that what we really want in the Caribbean is a free hand, however nobly we may talk.

As the Havana Conference fades into the past, the United States settles down with a fairly general opinion that Latin-American relations are serene once more. We ascribe the few explosions at the Havana Conference to the Latin temperament rather than to any fundamental disagreement on principles. Perhaps the apparent calm of the Latin-Americans is but the lull that comes before the storm. The intermittent rumblings of hostility heard through the Latin-American Press may be ominous. Condemnation of the Havana Conference was particularly strong.

The hostility of Mexico was expressed by the Excelsior of Mexico City in these words:

"The Sixth Pan American Conference had been a perfect failure. It made more evident than ever before the absolute impossibility of a doctrine of Pan-Americanism to regulate conflicting tendencies on this continent. United States comes out of the Conference with its hands full of privileges while Latin-America comes out with empty hands." (10)
El Universal of Mexico City makes the condemnation complete by saying:

"To defer to postpone, seems to have been the mission of the Conference in regard to the most important issues, like that of intervention. It solved no important matters and the accessory matters it did settle do not represent anything permanent or definite." (11)

La Opinion of Santo Domingo thinks that what little was discussed at Havana was practically of no value.

The Guatemalan Daily, Nuestro Diario, says of the Accomplishments of the Conference:

"The United States won its point at Havana. Intervention is taboo. Inter-American commerce, trade routes, roads, air treaties, engineering—these are the great links with which the Coolidge Doctrine is to be fastened upon a reluctant but powerless Caribbean zone." (13)

In Cuba, the Havana Bohemia expressed itself as follows:

"The United States statesmen chose a very slippery road when trying to justify through sheer verbosity and perfectly empty speeches what their government is doing in the Latin-American countries. It is impossible to speak of justice and to blind oneself to wrong doing. Washington must show with deeds and not merely promises that nothing of that shameful past is to be repeated, renouncing once and for all the 'Dollar Diplomacy' so hostile to the real cause of peace in the new World." (14)

In Peru, La Razon of Lima sarcastically observes that despite the speeches at Havana--

"Unwarranted murders are daily committed in Nicaragua by the armed forces of the United States so what good was accomplished at Havana?" (15)

The Argentina Press, La Nacion, declared quite meaning-

ly:

"The high sounding declarations heard in Havana do not
serve to erase the inexcusable acts committed in Central America which still weigh heavily as a factor in paralyzing Pan Americanism. While we do not doubt the purity of the purposes of the United States government, nor the sincerity of its declarations, it is necessary that those promises be immediately translated into acts. Thus and only thus can we give full credence to Mr. Hughes words. As long as intervention is an accomplished fact in Nicaragua the policies of the United States will seem ambiguous and detrimental to its international good name." (16)

In Uruguay, the Montevideo Diario del Plata states:

"What all the Latin American delegates should have done was to withdraw immediately from the Conference when they were plainly told that the United States maintained its right to intervene. As to the likelihood of attending another conference of this kind, we frankly declare that the failure of the Havana Conference to solve the Nicaraguan muddle is really the death knell of the Pan American ideal. Uruguay should immediately withdraw from the Pan American Union now that it has become evident that this organization does not perform the tasks for which it was created." (17)

La Razon of Montevideo commenting on the fact that the Uruguay delegation applauded Mr. Hughes' high sounding words declared:

"We demand an explanation from the said delegates, who are herewith requested to tell us in whose name and with what authority they so acted and who ordered them so to disgrace themselves." (18)

Peru, Brazil, and Uruguay did not speak much of Yankee Imperialism for they saw their interests to be much in accord with those of the United States. In the other countries, criticism of the United States is not by any means unanimous. Dr. Jesus M. Salazar of Peru assured his hearers at a New York luncheon that distrust of the United States in Latin-America was more apparent than real. Yet it is the opinion
of many that such statements as just quoted from leading newspapers should not be dismissed too lightly heartedly and indifferently.

The Havana Conference was not entirely free from criticism by United States newspapers. Some shared an uneasiness with the Latin-American press over our policy of benevolent intervention in Latin-American affairs. They agreed with the New York Journal of Commerce that our southern sister republics "are much more concerned to obtain guarantees that we will not go in than assurances that we expect to come out." Intervention may be as disinterested and benevolent as possible in its initial stages, but where does it lead? According to some it inevitably undermines the independence and sovereignty of the smaller states of Latin-America. Among other papers that saw only a half truth in Mr. Hughes exposition of our Latin-American policy were the Cleveland Plain Dealer, Baltimore Sun, and the New York World. Says the World:

"If any one in this country imagines that what Mr. Hughes said about Nicaragua is adequate to the occasion, he is deceiving himself mightily. The publicists and politicians of Latin-America are certain to notice that Mr. Hughes remarks failed to do justice to the facts when he said "we are at this moment in Nicaragua, but what we are doing there and the commitments we have made are at the request of both parties and in the interest of peace and order and a fair election." This is the sort of thing which makes trouble, for every educated man in Latin-America knows that this is a diplomatic and legal casuistry. It is true that what we are doing at this moment is at the request of both parties but it is also true (Mr. Hughes neglected to mention) that we were using force before both parties
had requested it. Now if we are going to talk about Nicaragua, let us talk about it candidly. To talk about it evasively is unprofitable." (19)

However, the majority of the newspaper comments from the United States did not take this trend, but rather the view that Mr. Hughes in declaring that we have no policy of aggression toward Latin-America laid a momentous milestone for Pan Americanism and that if no tangible results were forthcoming the creation of a new era of good feeling between the Americas well justified the Sixth Conference. The common attitude taken was that expressed by the New York Herald Tribune (Rep.):

"Our Pan American policy is subject to attack, either at Havana or in this country, only by those who innocently or malevolently misunderstand it." (20)

Much of this type of comment shows how highly charged with suspicion and misunderstanding is the atmosphere in which commentators live and move. Nor is such comment astir within the boundaries of this continent alone. It is plain that Italian and Spanish commentators do not relish anything which tends to bring Latin-America and the United States to a better understanding. They feel that the Latin civilization of Central and South America is endangered by Americanization. They feel that this should not be for the natural bonds are between Latin-America and Europe rather than between Latin-America and the United States.

There is no doubt that Latin-American suspicion, regarding the aggressiveness of the United States, is partially
due to the interpretation which the French, Spanish, German, and even at times the English have put upon her policies. An English commentator expressed a mild approval of the English concerning the trend of events at Havana—especially regarding the policy of delaying the question of intervention. He stated "that England respects the Monroe Doctrine of the United States and in fact is greatly relieved that United States had thrown a protecting arm around the weak Latin-American States for she is sufficiently worried by events at home." However, he said their only criticism was excited by an "apparent unwillingness of Americans to admit the logic of their commitments. We think America is slow to admit the truth of Bishop Butler's famous words "Things are what they are and the consequences will be what they will be. Why then should we wish to be deceived?" United States intervened in Central America because she was compelled to do so. She had acknowledged the duty as well as the right to keep her part of the world safe, but she has acknowledged it indirectly, not openly. She says her object in Nicaragua is merely to insure impartial elections and that when she is satisfied that Nicaragua can manage her affairs decently without her aid she will withdraw. But when will that be? Has she not far greater responsibilities in Nicaragua than that? Then why not openly call a spade a spade?"

In attempting to strike a balance of the results of the Sixth Pan American Conference one must recognize that the divergence of opinion in the first committee attracted
widespread attention to the detriment of the quiet and constructive activities of all of the eight other committees, and the divergence of opinion on the question of intervention in the second committee and in the plenary session, with all its dramatic incidents, overshadowed even the most important accomplishment of that committee, namely the resolution against aggressive warfare and in favor of obligatory arbitration. If one read only newspaper comments concerning the Conference, they would be led to believe that the entire time was devoted to a political squabble on the subject of intervention. Fortunately there is no necessary connection between noise and progress. James Brown Scott in his report of the Havana Conference is of the opinion that had the first and second committees utterly failed in their efforts, the unobtusive deliberations of the other six committees would of themselves have justified the Sixth Conference. When it is known that in all, eleven conventions, seven motions, four agreements, and sixty-two resolutions were adopted by the Sixth Conference, it is not too much to assume that the Conference must have brought forth some practical results and that the delegates worked harmoniously on a great many points even though they disagreed on some major ones.

In measuring the results of this Sixth Conference we must not forget those rather elusive and seemingly minor effects which in the long run may prove as valuable to the
interests of the American States as those practical and tangible results. The fellowship for six weeks of one hundred fifty of the most prominent representatives of the American Governments accomplished much. Latin-America and the United States understand the position each takes much better than ever before and, whether they like the stand of the other or not, something has been gained by the airing of viewpoints in the frank discussions that took place. Since one of the main purposes of the Pan American Conference is to provide a public forum for free discussion, a lack of unanimity is often one of its greatest assets. To quote Mr. Hughes:

"We can always be candid and still be friends. It is those who are not friendly who cannot afford to be candid."

In order to assure ourselves that the Sixth Conference was not purely one of words but also one of deeds, we might look briefly at the work of the Pan American Union in making effective the conclusions of the Havana Conference. As a result of the Sixth Conference, the Union was requested to arrange a series of special and technical congresses on a variety of questions which the delegates at Havana felt should receive more detailed consideration than could be given at this Conference. The report of the Director-General of the Pan American Union shows that up to the present time nine technical and special conferences have been held. First and foremost was the International Conference of American States on Conciliation and Arbitration, which met in
Washington, December 10, 1928 to January 5, 1929, with representatives of twenty countries present. Argentina did not send representatives since the new President had not had time to prepare instructions for their delegation.

Although the American Continent has always wholeheartedly supported the principle of arbitration, the Pan American Conferences had not gotten very far in the making of arbitration projects. However, the Second Conference did adopt a treaty for the arbitration of pecuniary claims and the Fifth Conference adopted a general conciliation treaty providing for commissions of inquiry. This treaty was known as the Gondra Treaty. By the time of the meeting of the 1929 Arbitration and Conciliation Conference at Washington fifteen states had signed the Gondra Treaty. Since the subject of arbitration did not come before the Sixth Conference until so near its close, it was decided that the Pan American Union should call a meeting of delegates from all the Pan American countries to meet within one year at Washington for further consideration of this subject. The accomplishments of this Conference, which may be considered as an adjourned session of the Havana Conference, throws a new light upon the future of Pan Americanism. The fact that the United States for the first time accepted the principle of compulsory arbitration is significant of an unexpected impetus to the entire Pan American movement.
At the opening of the Conference two committees were established—one to draft the conciliation treaty and the other to draft the arbitration treaty and the protocol of progressive arbitration. Each country was represented on both committees. Three plenary sessions were held by each committee while the smaller sub-committees, consisting of nine members each, did the actual work of drafting the convention. Any member was welcome to sit in at the meetings of the sub-committees and provisions were made that the delegates be advised as to what went on in the sub-committees. Consequently, when the drafts of the two agreements were completed the delegations were ready to act upon them in the meetings of the general committee called for that purpose. Such a plan gave opportunity for intimate and confidential discussion and at the same time a fitting occasion for whatever public discussion that was desired. Due partially to the high character of the delegations, complete and effective cooperation existed.

From the political standpoint the Pan American Arbitration and Conciliation Conference which closed January 5, 1929 was more important than the Sixth Pan American Conference held at Havana. It produced three important instrument—namely, the Inter-American Arbitration treaty, the Inter-American Conciliation Convention, and the Progressive Arbitration protocol. If one expects to find in these documents
a total "outlawing war", they will be disappointed. However, the work of this conference is a step in that direction for we must look in vain for any mention of those two terms called "national honor" and "vital interests" in either of the two treaties drafted at Washington. We cannot expect a complete "outlawing of war" until international law is more perfectly defined. Such action can be taken only by world conferences with complete powers of legislation. This was of course too much for the Washington Conference to do, but what it did do was done exceptionally well. Without a doubt its work will form a stepping stone toward a real creative and constructive work for peace.

The first agreement provided for obligatory arbitration of legal disputes and "all differences of an international character which have arisen and may arise between them by virtue of a claim of a right made by one against the other under treaty or otherwise, which it has not been possible to adjust by diplomacy." The following shall be considered as included among the questions of juridical character:

(1) The interpretation of a treaty;
(2) Any question of international law;
(3) The existence of any fact which, if established, would constitute a breach of an international obligation;
(4) The nature and extent of the reparation to be made for the breach of an international obligation.
Exceptions to the American Arbitration agreement are stated generally to include:

(1) Controversies which are within the domestic jurisdiction of the parties and are not controlled by international law.

(2) Questions affecting a State not a party to the treaty.

Individual states may make reservations; and thirteen states did so in regard to existing disputes and to pecuniary claims except in case of denial of justice. It is to the credit of Mr. Kellogg and Mr. Hughes that the United States made no reservation in regard to the Monroe Doctrine or any other question. This meant that if the United States ratified the treaty she agreed to submit disputes regardless of the Monroe Doctrine. However, it does not agree to arbitrate under this treaty disputes affecting the Monroe Doctrine if such disputes involve European countries or third states that are not parties to the treaty. Mr. Hughes said:

"The treaty makes no reference to the Monroe Doctrine and the reason is obvious. It is between American Republics while the Monroe Doctrine is opposed to any non-American action encroaching on the Independence of American States and to the acquisition in any manner of the control of additional territory in this hemisphere by any non-American power." (34)

The arbitration treaty provided that the parties must sign a special agreement known as a 'Compromis' which clearly defines the subject matter of the Controversy, which falls within the arbitrable classes. If an agreement cannot
be reached within three months, it shall be formulated by the Court. This provision was made so as to afford no avenue of escape from the requirement to arbitrate a controversy which falls within the scope of the treaty, in case the parties are not able to agree on the 'Compromise'.

The parties to a dispute over a legal question select the arbitrators or tribunal by agreement. They may thus place it before the World Court or before a specially constituted body. In practice there should be little difficulty in agreeing on a Court. In case they do not agree on a court that is already established, provision is made for the formation of a special court. Each party to the dispute nominates two arbitrators and these four choose a fifth. If they fail to agree on the fifth, each state names a non-American member of the Permanent Court of Arbitration at the Hague to make the choice. This method may be cumbersome but it was designed to eliminate any political influence in selecting the fifth arbitrator or umpire.

Charles E. Hughes in his book "Pan American Peace Plans" points out that in the last analysis, even with all these provisions, reliance must be placed on the good faith of the nations for, in the absence of that, the parties may refuse to nominate arbitrators or they may refuse to name the members of the Court at the Hague who are to choose the
fifth arbitrator. They might go one step farther and refuse to carry out the award although it was properly made. Such refusals would be manifest breaches of the agreement and since most nations are jealous of their good faith they will not arbitrarily deny their clear obligations.

The Progressive Protocol adopted by this conference wisely provides a means by which the reservations made by the various states may be abandoned by depositing with the Department of State at Washington an appropriate instrument evidencing that it had abandoned in whole or in part its exceptions or reservations. Such a plan allows a state to adhere to the arbitration treaty and as its faith and confidence increases in the ability of the Pan American States to settle their disputes through arbitration they may gradually set aside their original reservations.

Apparently these provisions end the talk about establishing a Pan American Court of Justice.

The establishment of a scheme of compulsory arbitration is of no great importance without the instrumentalities of conciliation, for arbitration is limited only to questions of a juridical nature while conciliation may be used for the adjustment of any controversy which the parties are unable to settle through diplomacy. An investigation of facts, points of view, and recommendations of a fair settlement may be had so as not to impinge on the sovereign right of the parties concerned and may result in an avoidance of strife. Agencies for conciliation are thus fitting
complements to arbitral arrangements and both supplement the procedure of diplomacy.

At the Santiago Conference in 1923, the Gondra Convention was signed which provided that any government interested in a controversy might apply to one of the two diplomatic commissions stationed at Washington and Montevideo, each consisting of three American diplomats longest accredited to the capitol concerned. The great weakness of this treaty was that these diplomatic committees were only given the power to create "ad hoc" commissions and to thus use their good offices in bringing together the parties to a dispute. This weakness in machinery was demonstrated in the Paraguay-Bolivia boundary dispute. Paraguay applied to the diplomatic commission at Montevideo and this commission asked Bolivia to proceed to appoint her representatives to the "ad hoc" Commission, but Bolivia refused to do so and the diplomatic commission had no further power.

In order to remedy this defect and at the same time to abstain from destroying all the good that had been accomplished in getting fifteen states to accept the Gondra Treaty, it was decided at Washington that the inter-American Conciliation Treaty should be built upon the Gondra Treaty as its base. Therefore it was provided in Article 3 of the Conciliation Convention that the diplomatic committees at Washington and Montevideo should be "bound to exercise conciliatory functions either on their own motion if
necessary, or at the request of a party to the dispute," (41) until the "ad hoc" commission was established. Fear was expressed that the committees might inject themselves unnecessarily into the ordinary conduct of diplomatic relations between the two States so Article 3 was made so as to limit the action of the Committee to cases in which it appears that there is a prospect of a disturbance of peaceful relations.

If in the process of uncovering the facts the investigating commission finds it possible to settle the dispute, it is free to do so. One year is allowed for the investigation and an additional six months is permitted for the parties to pass on the bases of settlement recommended. The Conciliation Convention makes no reservation as to the types of disputes it may consider. (42)

Article 9 of this convention states that the recommendations of the investigating commission do not have the character of decisions on the parties. Their force rests entirely upon the weight which a report from an impartial committee is bound to have no public opinion. Thus the Inter-American Conciliation Convention gives machinery for the peaceful adjustment of disputes which is automatically set in motion at the moment a dispute threatens to disturb peaceful relations. The United States was the first country to ratify the Inter-American Conciliation Convention on April 4, 1929. (43)
A very interesting practice lesson for this conference of conciliation was the opportunity the Conference had of proffering its good offices to Bolivia and Paraguay for the aid it might give in settling the long standing boundary dispute. The good offices were accepted by both parties and a commission of investigation was set up to deliberate and report on its findings and in the meanwhile both parties agreed to suspend all hostilities. The Commission after careful study of the trouble set up the following terms of agreement to which both Paraguay and Bolivia agreed:

(1) Mutual promise to forget the offenses and damages of each country against the other;
(2) Reestablishment of conditions in the Chaco as existing prior to December 5.
(3) Resumption of diplomatic relations.

Thus a magnificent opportunity presented itself at the very time of the Conference at Washington and proved the efficacy of conciliatory proceedings which the arbitration and conciliation conference brought about. Mr. Hughes lauded the Pan American Conference at Havana for its good work in preparing the way for the Conference at Washington, and stated that both together had a most beneficial effect in promoting a sound Pan American sentiment between the United States and the Latin-American Republics.

It is quite likely that the ratification of the arbitration and conciliation agreements made at Washington will
lead to a revolution in the past policy of the United States in Latin-America. Such questions as the interpretation of the treaty of 1903 with Panama, the Platt amendment with Haiti and Cuba, the oil dispute with Mexico, we now agree to arbitrate. If the United States threatens to land marines in an American country the diplomatic committee at Montevideo will under this agreement have the power to intervene with conciliation. Therefore in accepting this treaty the United States recognized that future interventions must be submitted to the collective conscience of the Americas and it agrees to surrender to this extent the unilateral nature of the Monroe Doctrine.

Besides the Conference on Arbitration and Conciliation eight other Conferences of even a more technical nature, thus attracting very little of the public's attention, have been held in order that they might do the follow-up work of the Havana Conference. They are as follows:

(1) The Pan American Trade Mark Conference, November 18 to the 26th, 1929.

(2) The Second Pan American Highway Congress which met at Rio de Janerio, August 16 to 28, 1929.

(3) The First Meeting of the Inter-American Institute of Geography and History which was held at Mexico City from September 16 to 22, 1929.

(4) The Inter-American Congress of Rectors, Deans, and Educators held at Havana in February of 1930.
(5) The Inter-American Congress of Women which met at Havana in February 1930.

(6) The Inter-American Conference of Agriculture, Forestry, and Animal Husbandry held in Washington from September 8 to 20, 1930.

(7) The Sixth International Highway Congress held at Washington from October 6 to 13, 1930.

(8) The Second Pan American Congress of Journalists held at Montevideo in 1930.

(9) A preliminary meeting of the Pan American Congress of Municipalities held in Boston in 1930.

An important additional function given to the Pan American Union by the Sixth Conference is the receipt and deposit of instruments of ratification of the Conventions signed at Havana. Of the eleven conventions adopted nine are to be deposited with the Union at Washington. Instruments now deposited and corresponding notice sent to the signatory states as follows:

(1) Convention on Private International Law.

Brazil  
Costa Rica  
Cuba  
Dominican Republic  
Guatemala  
Haiti  
Panama  
Peru  
Nicaragua

(2) Convention on the Pan American Union.

Brazil  
Dominican Republic  
Guatemala  
Mexico  
Panama  
Venezuela


Brazil  
Nicaragua  
Panama
(4) Convention on Treaties.

Brazil Panama

(5) Convention on Diplomatic Officers.

Brazil Mexico Nicaragua Panama

(6) Convention on Consular Agents.

Brazil Nicaragua Panama Mexico


Panama

(8) Convention on Asylum.

Brazil Mexico Nicaragua Panama

(9) Convention on Right and Duties of States in event of Civil Strife.

Brazil Mexico Nicaragua Panama

(10) Convention on Aviation. (Instrument of ratification to be deposited with the Government of Cuba.)

Guatemala Mexico Nicaragua Panama

(11) Convention on Revision of the Copyright Convention of 1910. (Also deposited with the Government of Cuba.)

Panama

The general treaty of Inter-American Conciliation of Washington, January 5, 1929. (Instruments deposited with the Government of Chile.)

Venezuela----July 15, 1929
Mexico--------January 9, 1930
United States—Ratified April 4
Registered March 27, 1929
Guatemala—November 15, 1929
Chile—December 28, 1929
Salvador—December 28, 1929

The general treaty of Inter-American Arbitration.

Dominican Republic—September 7, 1929
Mexico—January 9, 1930
Chile—February 27, 1930
Guatemala—October 28, 1929
Salvador—October 28, 1929
United States—March 27, 1929

The Protocol of Progressive Arbitration.

Dominican Republic—September 17, 1929
Mexico—January 9, 1930
Chile—February 27, 1930
Guatemala—October 28, 1929
Salvador—December 28, 1929
CHAPTER VII

PAN AMERICANISM VS. INTERNATIONALISM.

Because of the wide divergence of opinion displayed at the Sixth International Conference of American States, we are made to ponder more than ever before on the value of the Pan American movement. We ask ourselves if all the talk concerning Pan American cooperation is an ideal that has no further practical application. Certainly we must readily agree that the efforts of all the Pan American Congresses and Conferences have not been entirely lacking in benefits to all the republics concerned, but has Pan Americanism reached its climax and thus served its purpose? We are convinced that all hopes of converting the Pan American Union into a body capable of handling political questions were banished at the Havana Conference. What then is left besides trade marks, patents, and copyrights for consideration? Is not the need for world uniformity, even on such matters as these, great enough for the consideration of delegations of a world conference rather than of delegations of a particular region or hemisphere? All of these questions and countless others come to us as we try to evaluate the accomplishments of the entire Pan American movement and as we try to look into its future.

We were once told and perhaps made to believe that the American Republics have a set of interests that are distinct from the interests of other parts of the world and that it was well for the Americas to enter into an agreement
for a special kind of cooperation, since they had common ideals and a common American system and policy. Today we are asking what is this purely American brand of policy?

It is plain that the American countries are not duplicates. They have different languages, books, religion, and social customs—all of which are much nearer to continental Europe than to the United States. If the truth of the matter were told, all Americans whether citizens of Cuba, Brazil, or Peru, feel that their intellectual and emotional life is bound more closely to Europe than to North America. As evidence of this fact we note that when Americans take their overseas vacation they go to Paris rather than to New York or Buenos Aires or Rio de Janeiro.

However, certain conditions do exist in the Americas which might warrant the feeling that a union of some sort among the Republics would be of permanent value. Such facts might well be briefly enumerated. (1) There are similar geographic and historic factors; (2) all the American Republics are organized primarily on the basis of peace rather than of war; (3) there are common economic and financial interests, for Latin-America needs the capital of the United States and the United States needs the raw materials from her neighbors and their markets for her manufactured goods; (4) this hemisphere is free from the conditions which have most frequently brought war to the Old World since rivalry for colonies and control of foreign markets does
not exist among us. Neither do the Americas have the
deep seated national and racial antagonisms and hatreds
which exist in Europe.

Thus it seems natural with all these favorable conditions
that a sentiment has developed both in the United States
and in Latin-America favorable to Pan Americanism. This
sentiment has always been stronger in the United States than
in Latin-America. Enthusiasm for the movement in Latin-
America reached its height during the years of 1914-1919,
largely because of two main events. The acceptance by the
United States government of the mediation of the A,B,C
countries for the settlement of her dispute with Mexico was
the first event to stir the enthusiasm of the Latin-American
countries. This one act alone caused a complete revolution
in the attitude of some of the South American countries toward
the United States. Dr. Naon of Argentina who had said in
1913 "There is no Pan Americanism in South America; it
exists only in Washington" now said "The Niagara Conference
has largely created a real Pan Americanism; it has made it
actual; before this it was merely an ideal."

President Wilson devoted a great deal of time during
the early part of his administration to a sincere effort to
remove the apprehension of the republics to the south of us
by frankly stating the policies of the United States. While
speaking before a group of editors of Mexico he made many
remarks which greatly pleased the Latin-American people.
The most striking of all was:

"We said, 'We are going to be your big brother whether you want us to be or not', we did not ask whether it was agreeable to you that we should be your big brother. Now that was all very well so far as protecting you from the aggression of the other side of the waters was concerned but there was nothing in it that protected you from aggression from us. So I said, 'Very well, let us make some arrangement by which we will give bond. Let us have a common guarantee that all of us will sign, of political independence and territorial integrity. Let us agree that if any one of us, the United States included, violates the political independence or territorial integrity of any of the others all the rest will jump on her.'" (3).

The second event which furthered the enthusiasm of Latin-America was the coming of the World War which called for Pan American cooperation. When the United States went to war with Germany, Latin-America, who had previously looked upon the United States as materialistic, thought she was then acting upon high principles and idealistic motives. Sixteen states soon placed themselves by the side of the United States in that great conflict. However, soon after the war, reaction set in, for when the United States failed to ratify the treaty of Versailles, Latin-America felt that she had failed morally to live up to her obligations. Soon economic conditions developed which caused the southern republics to believe that the importers and exporters of the United States had deliberately worked to their disadvantage. Then too, a resentment against the actions of the United States in the Caribbean furthered the estrangement of Latin-America toward the Pan American idea. So it is quite apparent that Pan Americanism at the present is a less
active force and stirs less enthusiasm than it did before the War.

Never have the Latin-American peoples been more bitter toward the United States nor more suspicious of her intentions than they are now. The recent procedure of the United States in reference to Mexico and Nicaragua, particularly the latter, has called forth almost unanimous condemnation. We have achieved economic supremacy and political control over the western hemisphere, but at the same time we have gained the fear and hatred of the Latin-American countries. The newspapers of the Caribbean have expressed decided antipathy; students, labor organizations, and radicals throughout Latin-America have been fervent in their denunciations.

For the last twenty-five years, a malady has been growing South of the Rio Grande which the Latin-Americans call Yankeophobia. The literary men and publicists of these countries are especially susceptible to this malady. Francisco Garcia Calderon, distinguished diplomat and writer of Peru, has a chapter on the "Yankee Peril" in his recent history of Latin-America. He says that the people of disorderly and backward states of Latin-America "prefer permanent revolution to order imposed from without. They would choose anarchy, destruction even, rather than suffer the unlawful intrusion of any foreign power which ventures to interfere in the internal affairs of a free country."

Rufina Blanco-Fombona, author and editor of Venezuela, proclaims:
"The Yankees, the Yankees, these are the enemies of our soul, of our civilization, of our character, of our independence, the imitation of anything Yankee, in whatever line it may be, must be odious to us." (6)

Lucio M. Morena Quintana, young Argentine writer and university professor and active critic of the Pan American movement, is perhaps fairly representative of the point of view of those of his profession. In the concept of Pan Americanism as it prevails in the United States, he believes:

"the only ideal that has been exalted is based on the economic aggrandizement of that country, even at the cost of the other American Republics."

He recalls the crude imperialism of Blaine and Olney and the fraternal formulas of Root and Wilson to show how contradictory have been the utterances of our statesmen. He says of the Pan American Union that it

"has periodically supplied to the commerce of the United States the data and information necessary to their expansion"

and he goes on to brand the Pan American Conferences as ineffective in solving the international problems of the New World.

Manuel Ugarte, a very forceful and influential writer of Argentina, is very bitter against Yankee imperialism. Besides writing profusely on the subject Mr. Ugarte has traveled quite extensively over Latin-America and has spoken in all the capitals of those countries on a campaign of propaganda against the present trend of United States domination. In a letter written to President Wilson in 1912,
he stated the case of Latin-America in very emphatic terms:

"We desire that Cuba be freed from the painful weight of the Platt amendment; we desire that there should be granted to Nicaragua the ability to dispose of her soil, leaving it to the people to depose those who govern them if they deem it necessary; we desire that the status of Porto Rico be settled in accord with the rights of humanity; we desire that Panama be ceded the dignity of a nation; we desire that liberty be conceded to the heroic Filipinos; we desire that Mexico shall not always see suspended above her Damocle's sword of intervention; we desire that United States abstain from officiously intervening in the domestic politics of our countries; we desire that measures of sanitation shall not serve to diminish the sovereignty of the nations of the Pacific; we ask in short, that the Star Spangled Banner cease to be a symbol of oppression in the New World." (8)

A part of this anti-American propaganda derives its inspiration from Europe, especially from France and Spain. Spain is no doubt the most active in her attempt to alienate the former Spanish American countries from Pan Americanism for she wishes to recover her lost ascendancy by creating a Pan Hispanic entente in which she will occupy the first place. She hopes to develop an Hispanic cultural union which will compete with and supersede the Pan American Union in due course of time. (9)

There also exists a Pan Latin ideal for which France is the sponsor. France bases her claim for such a union of the Latin peoples on the contention that all the American republics south of the Rio Grande are Latin in race and culture therefore they are more closely united to Europe than to the United States. Latin-American opponents of Pan Americanism are turning more toward a Union of the twenty
republics that they claim are naturally united by common tradition, race, church, culture, and like feelings and sentiments. They feel bound together because of their common apprehension of the United States and its alleged imperialism. Latin-Americanism is particularly strong among literary circles according to Professor Blakeslee. "As you interpret it," says Latin-America to Uncle Sam, "Pan Americanism means your exclusive right to exploit our oil, forests, mines, and markets. Therefore, Pan Latinism is the new tool we are forging with which to fight you." Should Latin Americanism develop in strength, it is bound to become a political rival of Pan Americanism. Its advocates are already urging the abandonment of their association with the United States and the forming of political alliances among themselves and developing closer relations with Europe. A movement to establish a Latin-American League of Nations has recently been started in Buenos Aires by some of their leading men including some university professors. However, it is not likely that such a movement will overthrow Pan Americanism for there are too many obstacles in the way of its realization. Many a Latin-American Conference has met for promoting unity with few results. There are too many boundary disputes yet unsettled in those republics for any permanent unified action to take place. Then too, there is a greater variation in races than is often recognized. There are nations where the Indian
element predominates; nations mostly Mestizo; nations where
the Negroid constitutes a majority and republics that are
predominately white. There are turbulent and stable,
backward and progressive states. These differences and many
others do not give fair promise of a greater inter-Latin
harmony and alliance.

If a Customs Union for the Americas were established
or if the Pan American Union were converted into a polit-
ical organization with the power to conciliate the various
disputes of the American countries, Pan Americanism might
become a reality. But the Havana Conference rejected any
proposal giving Pan Americanism political vitality.
However, in a few respects the Havana Conference did act
on the theory that a vital community of interests in the
Americas still exists. For example, it passed a resolution
to the effect that "no American State may place obstructions
to the emigration and immigration of the other states nor
limit to a determined number the citizens of the other
State." Likewise, the Havana Conference passed a resolution
looking toward the establishment of a Pan American Institute
of Intellectual Cooperation which may duplicate the
activities of the League of Nations Institute at Paris.

But there are more numerous instances where the
Conference seemed to minimize the importance of Pan American-
ism. Both the Rio Jurists and the Conference refused to
accept the term "American International Law" for as Dr.
Guerrero said that "to admit the existence of American
international law would be to make more marked the division between the continents and furthermore it would admit something I do not believe to exist." The plan of an American League of Nations was rejected largely because of the fear that it might duplicate the work of a larger and stronger League that already is in existence.

The Havana Conference was also aware of the limitations of Pan Americanism in its disposition of several economic matters. In the discussion on aviation it was pointed out that there are three international aviation conventions in existence. All three of these conventions contained conflicting rules, yet certain Latin-American States had signed them all. The result was a confusion which could be solved only by an international convention. Therefore, upon the suggestion of Mr. Espil of Argentina, the Conference adopted a resolution asking President Coolidge to call an international aviation conference.

The same confusion and duplication of efforts was noticed in the operation of the various conventions concerning trade marks. Statistics showed that the work of the International Bureau at Berne for the registration of trade marks far surpassed the work of the Bureau at Havana. As was pointed out above, there was even a duplication of efforts among the Pan American States because of the two bureaus they have established for themselves. It was felt at Havana that some uniform international system should
be adhered to, consequently a resolution was passed asking that a special trade marks conference be called to decide whether the Pan American trade mark system should be abandoned in favor of the Berne system. A similar situation was noticed in regard to radio conventions— for there existed an International Convention and a Pan American Convention both of which the Conference urged the governments to ratify.

Thus in these economic matters, a strong feeling prevailed in Havana that regional agreements, which ignored the fact that economic ties between Europe and the Americas are closer than between the American Countries themselves, are inherently defective, and that the true solution of such questions lies in international agreements negotiated in 'ad hoc' conferences or through the League of Nations. If the results of a Pan American Conference are the same as the results of an international conference in which the American States have already participated, there is a duplication of effort. If the results are different, conflicts between Europe and America are likely to follow, as in the case of aviation, which will hinder intercourse or which will grant special privileges to the American States in violation of most favored nation treatment.

Thus it seemed that the action of the Havana Conference in curtailing the powers of the Pan American Union diminished the importance of Pan Americanism in favor of a wider
international method of cooperation. It does not necessarily follow that the results of the Havana Conference will strengthen the League of Nations since international conferences for ‘ad hoc’ purposes may be utilized outside the League. The lack of unity of the American States that was so plainly shown at Havana, may be a strong indication that Pan Americanism is weakening in favor of special alignments between certain Latin-American States or between such states and the Latin countries of Europe.
NOTES

CHAPTER I


3. Ibid.


9. Inman, Samuel Guy, (See note 6), p. 239.


13. Ibid., pp. 136-144.
CHAPTER II

2. Ibid., pp. 271-273.
5. Ibid., p. 283.
7. Ibid., pp. 341-358.
10. Ibid., pp. 276-277.
12. Ibid., (See note 6), pp. 243-245.
15. Ibid., pp. 285-286.
17. Foreign Policy Association, (See note 4) pp. 286-287.
19. Ibid., p. 265.

5. Gannett, Lewis. (See note 3), p. 117.


10. Ibid., p. 346.


15. **Foreign Policy Association**, (See note 12), p. 51.

16. Ibid., p. 51.

**CHAPTER III**

1. **Foreign Policy Association**, "The Sixth Pan American Conference Part II", *Information Service*, Vol. 4, No. 9, July 1927, p. 188.
2. Ibid.
3. Ibid., p. 189.
4. Ibid., pp. 189-190.
7. Ibid., pp. 192-194.
8. Ibid., 195-197.
9. Ibid.
13. See Article 22 of the Convention on Neutrality.
18. Foreign Policy Association, (See note 1), p. 205.
20. Foreign Policy Association, (See note 1), pp. 207-212.
CHAPTER IV


2. Diario, p. 337.

3. Pan American Union Convention, Article 12.


5. Ibid.

6. Ibid., pp. 53-54.


9. Pan American Union, "International Commission of
  Jurists: Public International Law", Project 12,
  Article 17, p. 39, and Project 9, Article 2, p. 27.
10. Buell, Raymond Leslie, The United States and Latin
    America, Foreign Policy Association, Information
12. Foreign Policy Association, (See note 1), p. 56.
13. Pan American Union Convention, Article VI; Appendix of
    Foreign Policy Association, Vol. 4, No. 4, pp. 56-57.
15. Literary Digest, "The Tariff Ghost at Havana",
16. Ibid.
17. Stuart, Graham H., Latin America and the United States,
18. Scott, James Brown, "The Sixth International Conference
    of American States", International Conciliation,
20. Ibid.

CHAPTER V

1. Annals of the American Academy of Political Science,
2. Foreign Policy Association, "The Sixth Pan American
3. Ibid., pp. 63-64.
4. Ibid., p. 71.
5. Ibid., p. 64.
6. Article 19 of the Pessoe Code, Quoted in Foreign Policy Association, Vol. 4, No. 4, p. 64.
10. Foreign Policy Association, (See note 2), p. 68.
11. Ibid., p. 69.
12. Ibid., p. 70.
15. Foreign Policy Association, (See note 2), p. 72.
16. Ibid., p. 73.
17. Blakeslee, George H., Latin American, Clark University Addresses, November 1913, p. 41.
18. Foreign Policy Association, (See note 2), p. 73.
20. Ibid., pp. 74-75.

CHAPTER VI

2. Ibid.
6. Ibid.
8. Lippman, Walter, (See note 5), pp. 541-545.
9. Ibid.
11. Ibid.
13. Ibid.
15. Ibid.
16. Ibid., p. 18.
17. Ibid.
18. Ibid.
20. Ibid.
22. Atkins, J. B., "European Views of Pan Americanism", 
687-692.

23. Scott, James Brown, "The Sixth International Conference 
of American States", International Conciliation, 
June 1928, pp. 279-280.

24. Report of the Delegates to the Sixth International 
Conference of American States, U. S. Government Printing 

Effective the Conclusions of the Sixth Conference", 
Bulletin of the Pan American Union, March 1930, 

Treaty", Foreign Policy Association, November 13, 

27. Hughes, Charles Evans, Pan American Peace Plans, 
Yale University Press, 1929, pp. 66-68

28. Cleven, N. Andrew, "International Conference of 
American States on Conciliation and Arbitration", 


30. Ibid.


32. Ibid., Reservations Made by the Thirteen States, 
pp. 42-45.
34. Ibid.
37. Hughes, Charles Evans, (See note 27), pp. 34-45.
42. Ibid., (See Articles 1-4-10).
43. Ibid., Article 9, p. 12.
44. Foreign Policy Association. (See note 26), p. 317.
46. Hughes, Charles Evans, (See note 37), p. 66.
47. Buell, Raymond Leslie, (See note 40).
49. Ibid.
CHAPTER VII


2. Ibid.


5. Ibid., p. 249.

6. Ibid., p. 250.

7. Haring, Clarence H., South America Looks at the United States, N.Y.: MacMillan Co., 1928, pp. 139-140.


9. Haring, Clarence H., South America Looks at the United States, N.Y.: MacMillan Co., 1928, pp. 139-140.


15. Ibid., p. 78.

16. Ibid., p. 79.

17. Ibid., p. 80.


PERIODICALS, NEWSPAPERS AND DOCUMENTS


Cleven, M. Andrews, "Pan American Peace Treaties",  

Dunn, W. E., "Post War Attitude of Hispanic America".  
Hispanic American Historical Review, Vol. 3,  
May 1920, pp. 177-183.

De Pereyra, Diomedes, "The Pan American Illusion",  
239-243.

Gannett, Lewis, "The Love Feast at Havana", Nation.  
February 1, 1928, p. 117.

Hackett, Charles, "How the Plans for a Pan American  
League of Nations Miscarried", Current History,  
Vol. 27, January 1928, pp. 529.

Inman, Samuel Guy, "Pan American Conferences and their  
Results", So. Western Pol and Soc. Sci. Quarterly,  
Vol. 4, July 1923, pp. 238-266.

Inman, Samuel Guy, "The Fifth Conference", So. Western  
1923, pp. 341-368.

Inman, Samuel Guy, "Results of the Pan American Congresses",  

Lee, Muna, "The International American Commission of Women",  
The Pan American Magazine, Vol. 38, No. 2,  
October 1929, p. 105.
Molina, Enrique, "The Monroe Doctrine and Pan Americanism".

Nerval, Gaston, "The Bolivia-Paraguay Conciliation".

Perry, Edward, "Anti-American Propaganda in Hispanic America".

Rafael, Nieto, "Why the Santiago Conference Failed".
  Living Age, August 11, 1923, pp. 247-250.

Scott, James Brown, "International American Commission of Women".

Scott, James Brown, "Intellectual Cooperation".

Scott, James Brown, "The Sixth International Conference of American States".
  International Conciliation, June 1928, No. 241.

Sandefer, Thaddeus Nelson, "The U. S. Diplomacy in Latin America takes a New Trend".

Stewart, Erwin, "Pan American Policy of the Harding Administration".


Congressional Digest, "What the International American Commission of Women has Accomplished", November 1930.


Report of International Commission of Jurists, "Projects to be submitted to the Sixth Conference at Havana"


Foreign Policy Association, "The Sixth Pan American Conference, Part II", Vol. 4, No. 9, July 6, 1928, pp. 186-222.

Foreign Policy Association, Buell R. L., "The United States and Latin America—a suggested program" Vol. 3, No. 4, pp. 77-94.
