

THE SEVENTH PAN AMERICAN CONFERENCE

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THE SEVENTH PAN AMERICAN CONFERENCE

By

LESTER L. LAKE

Bachelor of Science

Oklahoma Agricultural and Mechanical College

Stillwater, Oklahoma

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APPROVED:

Watt Stewart

In Charge of Thesis.

T. H. Reynolds

Head of the Department of History

D. C. McIntosh

Dean of the Graduate School.

108652

PREFACE

My primary objective has been to study the Seventh Pan American Conference to try to determine whether Hispanic America has changed its attitude toward the United States as a result of the somewhat changed attitude of the Roosevelt Administration. Secondary to the first objective is the attempt to point out the more important tangible achievements at Montevideo.

I became interested in this phase of our diplomatic relations while studying Hispanic American history, and the diplomatic relations of the United States with Latin America.

I wish to acknowledge my sincere appreciation to my adviser and to the library staff for their valuable assistance in making possible this study.

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CHAPTER I RETROSPECT

The diplomatic relations of the Americas have been closely associated with the Pan American Conferences. Ideas of Pan American cooperation go back as far as the birth of the Latin-American Republics. This need for cooperation, based on the bonds of race, language, and similar culture, and political heritage was enhanced by the fear that Spain, possibly aided by the Holy Alliance would attempt to regain the American colonies. It was a natural result that security should be based upon political cooperation. Proposals were made for a congress of American states to meet at Panama in 1826. The United States did not attend; nevertheless, the Panama Congress may be considered the forerunner of subsequent conferences. The United States has participated in seven International Conferences of American States. The First Conference met at Washington, October 2, 1889-April 19, 1890; the Second, in Mexico City, October 22, 1901-January 22, 1902; the Third, in Rio de Janeiro, July 21-August 26, 1906; the Fourth, in Buenos Aires, July 12-August 30, 1910; the Fifth, in Santiago, March 25-May 3, 1923; the Sixth, in Havana, January 16-May 20, 1928; and the Seventh met at Montevideo, Uruguay, December 3-26, 1933. The Seventh Conference is perhaps the most important and is the subject of this study.

John Basset Moore considered the absence of the

United States from the Panama Congress as an unfortunate omen, "indicative of an attitude somewhat unsympathetic."¹

Professor J. Fred Rippy places a different interpretation upon the failure of the United States to attend. He believes that due to conflicting ideas and different interests it was well that representatives of the United States did not attend the conference.²

Secretary Blaine in his invitation for the First Conference gave "considering and discussing methods of preventing war between the nations of America" as one of the chief objectives of the conference. A similar aim was stressed by Congress in 1882 when it urged the president to call a conference for the purpose of,

discussing and recommending for adoption to their respective governments some plan of arbitration for the settlement of disagreements and disputes that may hereafter arise between them.³

The First Pan American Conference, meeting at Washington in 1890 put this proposal into practice when a treaty was signed containing this clause:

The republics of North, Central, and South America hereby adopt arbitration as a principle of international law for the settlement of disputes, differences, or controversies that may arise between two or more of them.⁴

¹ Principles of American Diplomacy (New York, 1918), p. 121.

² Latin America in World Politics (New York, 1928), p. 65.

³ J. B. Scott, International Conferences of American States (Oxford University Press, 1931), p. 3.

⁴ Ibid., pp. 40-43.

The treaty based on this plan was signed by Bolivia, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, El Salvador, the United States, Uruguay, and Venezuela. The treaty did not become effective due to the failure of its signatories to exchange ratifications within the required period.⁵ It does not appear that the treaty was ever called up for consideration in the United States Senate.⁶

The Second Pan American Conference held at Mexico City, 1901-1902, also considered the arbitration of disputes as a major topic. The committee charged with this subject failed to arrive at an agreement. The United States favored the Hague Convention of 1899 and a protocol to this end was signed on January 15, 1902. However, a treaty on compulsory arbitration was signed January 29, 1902, and was ratified by the Dominican Republic, Guatemala, Mexico, Peru, El Salvador, and Uruguay. A treaty for arbitration of pecuniary claims was ratified by Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Peru, El Salvador, and the United States. It was extended to the Third Conference.⁷

The Third International Conference which met at Rio de Janeiro in 1906 adopted a resolution by which the signatories agreed,

5

Ibid.

6

Charles E. Hughes, Our Relations to the Nations of the Western Hemisphere (Princeton University, 1928), p. 93.

7

Scott, op. cit. pp. 100-105, 132-133.

.....to ratify adherence to the principle of arbitration; andto recommend to the nations represented at this conference that instructions be given to their delegates to the second conference to be held at the Hague to endeavor to secure by the said assembly....the celebration of a general arbitration convention. 8

A convention on international law was also adopted, and the International Commission of Jurists provided for in this agreement held its first meeting in Rio de Janeiro in 1912. This was the beginning of efforts to further international friendship through a codification of international law.⁹

The Fourth Conference met at Buenos Aires in 1910, and adopted a general claims convention, providing for the submission of claims to the permanent court of arbitration at the Hague, unless both parties agreed to constitute a special jurisdiction.¹⁰ Among other noteworthy resolutions adopted by this congress were those pertaining to patents, trade marks and copyrights; providing for the exchange of professors and students between American universities; and recommending the uniformity of consular documents and custom house regulations.¹¹

The Fifth Conference at Santiago in 1923 took a far-reaching step toward the making of peace machinery through

8

Ibid.

9

Ibid.

10

Ibid.

11

G. H. Stuart, Latin America and the United States (New York, 1921), p. 20.

the adoption of the Gondra Treaty, which for the first time brought within the scope of arbitration, controversies arising "for any cause whatsoever." This treaty also established commissions of inquiry. Previously, a treaty on compulsory arbitration was adopted by the Second Conference, but the Gondra Treaty went further in endeavoring to attain the ideal of a permanent commission which would act where a rupture in international relations seemed unavoidable. The Gondra Treaty was ratified by nineteen of the twenty-one republics, Argentina and Bolivia being the two exceptions. ¹²

The territorial integrity and political independence of all members of the league were guaranteed by article X of the Covenant of the League of Nations. This article was regarded with enthusiasm by the Latin Americans, who looked forward to the fulfillment of President Wilson's proposal, the internationalizing of the Monroe Doctrine. When the Senate refused to ratify the Covenant, the other countries interpreted its act as evidence of the intention of the United States to make the Monroe Doctrine a shield for American imperialism. This view, in the opinions of Latin Americans, was confirmed by the action of the United States in the Fifth Conference. The idea of an American league of Nations was presented at this conference

¹²

Department of State, Treaty Information December 31, 1932, p. 3.

by President Brum of Uruguay. The league would be based upon an absolute equality of all nations and was to serve as a subsidiary to the League of Nations. The measure was opposed by the United States and no final vote was taken. ¹³

The Sixth Conference met at Havana in 1928 amid most unfavorable conditions, chiefly caused by the aloofness of certain states, like Argentina, and the suspicions and resentments that the occupation of Nicaragua by the United States marines had aroused. Such circumstances naturally prevented any outstanding work in creating peace machinery. However, a resolution was passed condemning war as an instrument of national policy. They also expressed "a most fervent desire" to contribute in every possible manner to the development of international means for the pacific settlement of conflicts between American states. They further resolved that the various republics adopt arbitration as a means of settling international differences of a juridical nature. A conference on conciliation was called to meet at Washington within a year. ¹⁴

The Seventh Conference met at Montevideo under a set of circumstances which added to the pessimism with which many viewed its chances for success. Numerous comments by leading newspapers regarded the prospects of the

¹³

John H. Latane, American Foreign Policy (New York, 1927), p. 680.

¹⁴

Scott, op. cit. pp. 464-468.

Montevideo Conference with suspicion and pessimism.

The pent up forces of the Sixth Conference had come near blowing up. Dictator Machado's "iron-handed control" in playing the game of American officialdom, and the "strong-voiced" tactics of the United States delegation, headed by Charles Evans Hughes, had averted an outburst. Suppression had not allayed these grievances by the time the Seventh Conference met. They were ready to burst forth as soon as the conference convened. Since the governments of Argentina and Mexico had declared they no longer recognized the Monroe Doctrine, it was not impossible that the doctrine might be denounced. The Hispanic American view has been that whatever the value of the Monroe Doctrine, that value has ceased to exist and the countries have more to fear from the protector than from the fancied possible aggressors from the Old World. This feeling was not so much a result of the original doctrine as it was of the interpretations given it. The countries of Latin America believed the statement of Olney the fiat of the United States was law in the Western Hemisphere.

There seemed also to be a possibility of the Pan American Union being denounced. There was a widespread feeling that instead of being an organization based on equality, it was an instrument of the United States

15
Ernest Gruening, "A New Latin American Policy," Forum, XCI (March, 1934), pp. 141-142.

designed "to promote political control and economic penetration." There are several reasons for such a feeling, the headquarters of the Union are at Washington, the Director-General has always been chosen from the United States, and the chairman is secretary of state of the United States. ¹⁶

F. Normano comments as follows on the situation in which Pan-Americanism finds itself:

Today the most discussed problem in inter-American relations in Latin America is not Pan-Americanism. It is Peligro yanqui. This is really a part of the more general conception, "the American danger." Spanish America participates in Pan Americanism but places neither faith nor affection in it. A revolt against it is in the making. Frequent speeches are heard about the "dead body" of Pan-Americanism, about the "useless principle" involved, about its "danger."The demand is made that Pan American conferences be replaced by racial conventions. The present conferences are called "congresses of mice presided over by a cat," or "meetings of opposed brothers." The organization in Washington is called "the ministry of colonies." Pan-Americanism, it is said, is no more than "Pan Yankeeism", or the "manifestation of North American imperialism." Latin America under these conditions would prefer to stand alone. They are not inviting foreigners to join in "family quarrels." Moreno Quintana suggests a Latin American league. ¹⁷

An editorial in the Nation attempted thus to survey the possibilities of the forthcoming Seventh Conference,

Given the failure of the World Economic Conference at London, the substitution of force for negotiations in the Far East, and the universal decline of internationalism, the possibility of achievement at Montevideo have seemed slight. Even these prospects suffered a setback through President Roosevelt's declaration on the eve of our delegation's departure that "unsettled

¹⁶

Ibid, p. 143.

¹⁷

F. Normano, "Changes in Latin American Attitude," Foreign Affairs, XI (October, 1932), 165-166.

conditions such as European commercial quota restrictions have made it seem desirable for the United States to forego immediate discussion of such matters as currency stabilization, uniform import prohibitions, permanent customs duties and the like."Thus before the conference starts, the United States has dealt it a serious blow.

Previous Pan-American conferences have been conspicuous for the disparity between our high-sounding professions and our acts—a contrast of which every Latin American has been keenly aware. Our southward expansion after the Spanish American War, our aggressions under the changing interpretations of the Monroe Doctrine, have provoked increasing irritation, distrust, and fear among our neighbors. 18

An editorial from The New Republic interpreted in this fashion the possibilities of the conference:

This year our delegation is going to Montevideo with a relatively bright record. At least we have withdrawn our marines from Nicaragua. Our administrative control over the Dominican Republic has largely been relaxed, and Secretary Hull a few weeks ago frustrated what appeared to be an attempt by the Navy Department to righten it up again. The most important evidence we have to show of our good intentions, however, is the reinterpretation of the Monroe Doctrine by former ambassador J. Reuben Clark. The so-called Roosevelt corollary to the Monroe Doctrine, under which old Theodore pretended to justify forcible intervention in the Caribbean is henceforth definitely repudiated. 19

Hubert Herring, speaking of the unfavorable atmosphere in Montevideo, says:

The Seventh Conference was formally scheduled to meet in Montevideo, December, 1933. There was no burst of enthusiasm. The press and government attitude north and south of Key West was one of pessimism. Pan American conferences were in ill-favor. Most countries would have welcomed a postponement one year or ten.

18

"What May be Done at Montevideo", CXXXVII (December, 1933), pp. 640-641.

19

"Yanqui Imperialismo", LXXVII (December, 1933), pp. 89-90

The force of habit continued to be of sufficient strength to bring about the sending out of invitations. Costa Rica was the only country which failed to send a delegation. Mexico was the only country which had given months of preparation and planning.

There was an atmosphere of melancholy over the city of Montevideo during the early days of December. The delegations watched boats sailing for happier ports from fly-infested hotels. Many would have preferred being aboard those ships bound for home or Paris. The editorials of Buenos Aires reflected the mood in the newspapers. It was a monotonous refrain, "we might as well start home." Word went out on the first day of the conference that the Republic of Uruguay would be grateful if the visitors would adjour by Christmas. 20

Jonathan Mitchell described thus the arrival of the

American Delegation:

The day the American delegation arrived, all Uruguayan leaders known to be hostile to President Terra were rounded up and imprisoned. Nevertheless, at the same moment Secretary Hull was being ceremoniously greeted at the quay, the Montevideo police were busy removing red flags and a placard, "Abajo de Hull", fastened to a near-by chimney. 21

20

"Pan Americanism, New Style?", Harpers Monthly, CLXVIII (May, 1934), p. 684.

21

"Pan American Prelude," New Republic, LXXVII (December, 1933), p. 190.

CHAPTER II. THE PERSONNEL AND THE AGENDA

President Roosevelt on November 9, 1933, designated the following as delegates from the United States to the conference:

Honorable Cordell Hull, Secretary of State, Chairman;
Honorable Alexander W. Weddell, United States Ambassador to Argentina;
Honorable J. Reuben Clark, former United States Ambassador to Mexico;
Honorable J. Butler Wright, United States Minister to Uruguay;
Honorable Spruille Braden of New York; and
Honorable Sophonisba P. Breckinridge of Kentucky, Professor of Public Welfare Administration in the School of Social Service Administration, University of Chicago. ¹

Cordell Hull is not the imposing figure that "nature and circumstances" made of Charles Evans Hughes at Havana in 1928. Yet, Mr. Hull proved beyond a doubt that he could win friends among his co-workers and political opponents by his modesty and simplicity, his sincere democracy, his obvious good intentions. J. Reuben Clark is well known as the author of the memorandum on the Monroe Doctrine. He served as assistant secretary of state and has a profound knowledge of international law and a thorough appreciation of Latin American culture. Spruille Braden has an accurate knowledge of business conditions in South America. Our minister to Uruguay, J. Butler Wright and our ambassador

1

Report of the Delegates of the United States of America to the Seventh International Conference of American States, (Washington, 1934) p. 1. (Hereafter referred to as Report of the Delegates).

to Argentina, Alexander W. Weddell, are both "career men" of wide service. The surprise appointment to the conference was Miss Sophonisba Preston Breckinridge, the first woman to serve as a United States delegate to a conference of this type. She is familiar with Latin American problems as a result of having served as a delegate to the Child Welfare Conference held in Lima in 1930.²

The governments of all the American republics except Costa Rica, were represented at the conference. There were ninety-four official delegates, of whom three were women. The delegations of Paraguay, Uruguay, and the United States each had one woman. This was unique in the history of Pan American Conferences.³

The conference sent a message to the government of Costa Rica, expressing regret that Costa Rica was not represented and the hope that it might be possible for that government to lend its support to the beneficial results of the conference. The President of Costa Rica cabled a reply, December 11, stating that, although Costa Rica would not have a voice in the conference, she supported it in principle and he hoped to see the signature of his government on the documents which might be signed at Montevideo.⁴

² H. G. Doyle, "The Conference at Montevideo," Current History, XXXIX, (January, 1934), pp. 466-467.

³ Report of the Delegates, p. 2

⁴ Ibid.

Ten delegations were headed by their respective Ministers of Foreign Affairs--Argentina, Brazil, Chile, Guatemala, Mexico, Nicaragua, Panama, Paraguay, the United States, and Uruguay. Alfonso Lopez, chief of the Colombian delegation was, at the time of the conference nominee for the presidency of his country and shortly thereafter was elected to that office. Honduras and Uruguay were represented by ex-presidents.⁵

In accordance with Article IV of the regulations, the order of precedence of the delegations was determined by lot at the first session of the conference. As a result, the following order was determined: Honduras, the United States, El Salvador, the Dominican Republic, Haiti, Argentina, Venezuela, Uruguay, Paraguay, Mexico, Panama, Bolivia, Guatemala, Brazil, Ecuador, Nicaragua, Colombia, Chile, Peru, and Cuba.⁶

After careful deliberation, the Pan American Union and representatives of the various countries represented at the conference arrived at the agenda which follows:

Chapter I Organization of Peace.

1. Methods for the prevention and pacific settlement of inter-American conflicts.
2. (a). Inter-American Commission of Conciliation.
(b). Report of the permanent commission of conciliation of Washington on its activities.
3. Declaration of August 3, 1932.
4. Anti-War Pacts--Argentine plan.

5

Ibid.

6

Ibid. p. 3.

5. Consideration of a plan to secure the prompt ratification of the General Treaty of Inter-American arbitration and of the General Convention of Inter-American Conciliation of January 5, 1929, and in general to secure the prompt ratification of treaties and conventions and the early application of the resolutions adopted by the inter-national conference of American States.
6. Method for the progressive codification of international law, and consideration of topics susceptible of codification, such as:
 - (a) The rights and duties of states.
 - (b) Treaties and their interpretation.
 - (c) International responsibilities of states, with special reference to the denial of justice.
 - (d) Definition, duration, and reciprocity of political asylum.
 - (e) Extradition.
 - (f) Nationality.
 - (g) Territorial sea.
7. Report of the permanent Committee on Public International Law of Rio de Janeiro on the general principles which may facilitate regional agreements between adjacent states on the industrial and agricultural use of the waters of international rivers, and reports of the said committee and of the permanent committee on private international law of Montevideo on the matters provided for in the resolution of the Sixth Conference of February 18, 1928.

Chapter III Political and Civil Rights of Women.

8. Report of the Inter-American Commission of Women on the political and civil equality of women.

Chapter IV Economic and Financial Problems.

9. Consideration of the recommendations of the Fourth Pan American Commercial Conference relative to:
 - (a) Customs duties.
 - (b) Currency stabilization and the possibility of adopting a uniform monetary system.
 - (c) Commercial arbitration.
 - (d) Promotion of tourist travel.
10. Import quotas.
11. Import prohibitions.
12. Collective commercial treaties.
13. Report on the resolutions of the Inter-American Conference on agriculture.
14. Report on the establishment of an inter-American economic and financial organization under the auspices of the Pan American Union.
15. The inter-American protection of patents of invention.

16. Consideration of the draft convention on customs procedure and port formalities formulated by the Pan American Commission on Customs Procedure and Port Formalities which met at Washington from November 18 to 26, 1929.
17. Consideration of projects of uniform legislation relative to such topics as:
 - (a) Bills of exchange, checks, and other commercial paper.
 - (b) Bills of lading.
 - (c) Insurance.
 - (d) Simplification and standardization of the requirements for powers of attorney.
 - (e) Juridical personality of foreign companies.
 - (f) The losses caused by theft and pilferage of cargo in maritime commerce.
 - (g) Any other draft conventions on uniform legislation relative to commercial and maritime law that may be formulated by the Permanent Committee on Comparative Legislation and Uniformity of Legislation established at Habana by virtue of the resolution of February 18, 1928, of the Sixth Conference.

Chapter V Social Problems.

18. Consideration of the establishment of an inter-American bureau of labor, which will include in its program the following:
 - (a) Improvement of the condition of living of workmen:
 - (1) promotion of safety in industry.
 - (2) Improving housing conditions.
 - (b) Social insurance: Unemployment and unemployment insurance.
 - (c) Uniformity of demographic statistics.
19. Results of national and international conferences on child welfare, with a view of broadening the work of the inter-American institute at Montevideo.
20. Application to foodstuffs and pharmaceutical products exported to other American countries, of the same sanitary, pure food, and drug regulations which are in effect in the country of production on all those commodities consumed therein.

Chapter VI Intellectual Cooperation.

21. Inter-American copyrights protection, and the possibility of reconciling the Habana and Rome conventions.
22. American Bibliography:
 - (a) Exchange of information.

- (b) Encouraging national and continental bibliographic effort.
- 23. Report on the results of the Congress of Rectors, Deans, and Education, which met at Habana in February, 1930.
- 24. International cooperation to make effective respect for and conservation of the national domain over historical monuments and archeological remains.

Chapter VII Transportation.

- 25. Inter-American fluvial navigation: Reports of governments on technical studies relative to the navigation of rivers and the elimination of obstacles to navigation, and the possibility of connecting and bettering the connections which exist between them.
- 26. Report of the Pan American Railway Committee.
- 27. Study of the penal provisions and the regulations of the Convention on Commercial Aviation signed at the Sixth Conference.

Chapter VIII International Conferences of American States.

- 28. Results of the international conferences of American states.
 - (a) Reports submitted by the delegations on the action taken by the states on the conventions and resolutions adopted by the Pan-American Conferences, with special reference to the Sixth Conference.
 - (b) Results, not specifically included in other sections of this program, of the special conferences held in the interval between the Sixth and Seventh Conferences and of the permanent institutions established by the international conferences.
- 29. Convocation, participation, and meeting of future conferences, and adhesion of nonsignatory states.
 - (a) Consideration of the extraordinary convocation of the international conferences of American states.
 - (b) Participation in the Pan-American conferences, and the adhesion of nonsignatory states to the conventions signed at such conferences.
 - (c) Future International Conferences of American States. 7

CHAPTER III THE WORK OF THE CONFERENCE: POLITICAL MATTERS

One of the outstanding contributions of the conference was its work in connection with the perfection of inter-American peace machinery. The American delegation presented the point of view that sufficient peace machinery was in existence, if only it were given full application. They pointed out that it would be better to endeavor to improve the existing machinery than to devise entirely new plans. However, the United States delegation pledged itself to consider thoroughly any plan which would give promise of founding peaceful adjustments of international conflict.¹

None of the several multilateral peace treaties between the American republics had been ratified by all of the signatory powers. Argentina and Bolivia had not ratified the treaty to avoid or prevent conflicts of the American states, signed at the Fifth Conference. Argentina, Bolivia, Colombia, Costa Rica, Honduras, Paraguay, Peru, Uruguay, and Venezuela had not ratified the convention on inter-American conciliation signed at Washington on January 5, 1929. The convention on inter-American arbitration signed at Washington on the same date had not been ratified by Argentina, Bolivia, Colombia, Costa Rica, Ecuador, Honduras,

¹ Report of the Delegates, p. 7.

Paraguay, Peru, the United States, and Uruguay.²

Dr. Saavedra Lamas, Minister of foreign affairs of Argentina had proposed to the American countries an anti-war pact which did not go as far as existing treaties in some respects. For example the Pact of Paris denounces all wars as instruments of national policy. The Argentina pact denounces only wars of aggression. Argentina had not become a member of any of the pacts signed at previous conferences of American states. Saavedra's anti-war pact had been signed by Argentina, Brazil, Chile, Mexico, Paraguay, and Uruguay at Rio de Janeiro on October 10, 1933.³

From the start, Cordell Hull in his conversations pointed out the disadvantages of having such a large number of treaties unratified. At this point the brilliant Saavedra Lamas assumed the leadership in an attempt to obtain the adherence to the instruments of peace of the nonsignatory countries. This would, in return, gain signatures for Argentina's pact. The Argentine and Chilean delegations presented a joint resolution calling upon the American states to sign and ratify such of the five peace and arbitration pacts as they had not accepted at this same session of December, 15. Dr. Saavedra Lamas came forward and diplomatically announced Argentina's willingness to sign the pacts which she had not signed.

² Ibid, p. 8.

³ Ibid.

Dr. Mello Franco announced Brazil's adherence to the Kellogg-Briand Pact which was the only national pact to which Brazil was not a signatory. Secretary Hull then voiced the intention of the United States to ratify the Argentina pact.⁴

When Cordell Hull addressed the conference and seconded the proposal for reporting the resolution favorable, he evaluated the work concerning peace machinery as follows:

The passage of this resolution and the agreement to attach from twelve to twenty signatures of governments to the five peace pacts or agencies thus for unsigned by them is not a mere mechanical operation. The real significance is the deep and solemn spirit of peace which pervades the mind and heart of every delegate here and moves each to undertake a wise and effective step to promote peace at this critical stage. The adoption of this resolution and agreement to sign the five splendid peace instruments will thoroughly strengthen the peace agencies of twenty-one American states and make peace permanently secure in this hemisphere.

Cordell Hull everywhere gave assurances of the policy of the "good neighbor" and stated the necessity of making peace and economic rehabilitation the primary objective of the conference. Mr. Hull emphasized the importance of thinking, speaking, and acting the part of the good neighbor who resolutely respects himself and the rights of others.⁵

This resolution which provided for the signatures and ratification of countries not members of the five instruments of peace was unanimously approved in resolution IV,

⁴ Ibid, p. 9.

⁵ Cordell Hull, Addresses and Statements, (Washington, 1935) pp. 30-36.

adopted by the conference on December 16. In accordance with Article III of the resolution, the delegations promised to seek the definite ratification of the peace instruments according to their respective constitutional procedure and to make the required notifications provided for in the treaty texts.⁶ Thus come to pass the
 between Argentina and the United States, thanks to the venity of Saavedra Lamas and the political sagacity of Cordell Hull.⁷

The delegation of the United States proposed Resolution XXXVI which, unanimously adopted by the congress, provided,

That it shall never be considered an unfriendly act for any state or states to offer its good offices or mediation to other states engaged in a controversy threatening to interrupt their peaceful relations.⁸

The Mexican delegation presented a proposal for an elaborate peace code which would coordinate in one document all of the essentials of the various peace treaties. The conference adopted Resolution XXV which directed the Pan-American Union to submit the project to American governments for consideration. The conference also adopted Resolution XXXVII which paid tribute to Colombia, Peru, and Ecuador for their determination to use peaceful methods to settle their differences.⁹

While the Chaco dispute between Paraguay and Bolivia was not mentioned in the agenda of the conference, it

⁶ Report of the Delegates, op. cit., p. 195.

⁷ Hubert Herring, Loc. cit., p. 690

⁸ Report of the Delegates, p. 195.

⁹ Ibid, p. 10.

received considerable attention both in the conference and in private conversation. President Terra had initiated on his own behalf in 1933 direct conversations with the two countries in an effort to settle their differences. In the opening address to the conference, President Terra said:

We have prided ourselves on being the continent of peace and arbitration.In my opinion, the conference I have the honor of inaugurating cannot leave unheard the clamor of American opinion.the noble juridical tradition of America cannot remain buried in the swamps of the Chaco. 10

The question of the Chaco proved to be the first real test of the conference. During the trip to Montevideo, some of the lesser men from the department of state advised Mr. Hull against bringing up the question of the Chaco, however, upon arrival at Montevideo, Mr. Hull made personal and very moving pleas to all the heads of delegations to end that war. While this was quite out of the expected and ordinary procedure, it gained for Mr. Hull a position of moral leadership and later a tribute to his appeals in the form of a truce.¹¹

Secretary Hull also pointed out that to the various delegations that the signing of inter-American peace treaties would also tend to focus attention on the Chaco dispute and show the necessity of reaching a solution to the difficulties.

10

Ibid, p. 12.

11

Herring, loc. cit., pp. 688-689.

Cordell Hull expressed the opinion that the conference floor was not the proper place to take the initiative, but that the conference should confirm its efforts with reference to the Chaco to assisting the League of Nations commission, which was visiting Paraguay and Bolivia at that time.

In consideration of the fact that the League commission and President Terra were making efforts to end the Chaco War, the conference created a sub-committee which was to consider the ways in which the conference might assist the League.¹²

The efforts of the League commission and the sub-committee as well as those of President Terra, resulted in the signing of an armistice by Bolivia and Paraguay on December 19. The truce provided,

that the armistice shall be extended to 12 P. M. on January 14, 1934 in order that negotiations initiated may be carried on and concluded in peaceful environment; second, in order to prevent the disturbance of this environment,neutral officials be sent to the two headquarters of the two armies, for the purpose of collecting all data and information relating to the observance of the armistice, advising the commission, without loss of time, of any incident that might occur, in order to settle it immediately. 13

Resolution LXIX, which was adopted December 24, extended cordial greetings to the League of Nations, and reaffirmed the faith of the conference in the League as a means of settling international conflicts. The resolution also

¹² Report of the Delegates, pp. 12-13.

¹³ Ibid. pp. 121-122.

extended greetings to President Terra for his helpful intervention in the matter. The Argentine delegation proposed a resolution calling upon the Pan American Union to call a conference to be held at Buenos Aires for the purpose of considering the coordination of economic and geographical factors in the sister republics to aid the League in settling the Chaco trouble. The proposal was not adopted, however the League commission was invited to attend the final session of the conference, December 26, 1933, at which time it thanked the conference for its fine cooperation in trying to secure a settlement of the Chaco question. During the same session, Resolution XCV called the attention of Paraguay and Bolivia to their obligation under the covenant of the League of Nations for the submission of their dispute to pacific settlement. It further urged the two countries to accept juridical settlement as proposed by the League commission and the sub-committee. This resolution was passed unanimously¹⁴ by a standing vote.

Cordell Hull voiced the sentiment of the conference with reference to the Chaco and finished thus:

Much, however, remains to be done. Peoples here and here represented must rise up en masse and demand that the awful scourge of war be forthwith banished from this hemisphere, that fighting permanently cease, and that not another shall be widowed, nor

14

Ibid, pp. 14-15.

another child be orphaned. 15

Thus it will be seen that every influence was brought to bear upon a subject whose real solution did not rest with the conference. The conference adjourned with hostilities suspended and representatives of both countries together with the League commission attending the final session of conference.¹⁶

Considerable time was spent by the conference in an attempt to provide a systematic procedure for the codification of international law. It was considered imperative that a group of lawyers and jurists representative of the various legal systems of the American states be entrusted with the task of bringing about practical and enduring results in the field of international law. It was also a common belief of the conference that the codifying of international law on this continent should be done by agencies responsible to their respective governments. These jurists would carry on the work of consultation and coordination of material during the interval between sessions of the conference, provided the agreements of a positive nature are satisfactory to all the governments.¹⁷

Resolution LXX, which was developed from a proposal made by Mr. Clark of the United States delegation, was adopted December 24 and provided for the following

¹⁵ Cordell Hull, op. cit., p. 40.

¹⁶ Report of the Delegates, pp. 15-16.

¹⁷ Ibid., p. 17.

machinery:

- (1) The maintenance of the International Commission of Jurisconsults created by the Third Conference, 1906.
- (2) The creation by each government of a national commission for the codification of international law.
- (3) The creation of a commission of experts to be composed of seven members.
- (4) The creation of a general secretariat for these bodies in the Pan American Union. 18

The International Commission of Jurists, composed of one representative appointed from each signatory government was provided for in the convention of 1906 at Rio de Janeiro. For all practical purposes, the commission had ceased to function. The first article of the Montevideo resolution provides for the maintenance of this commission. 19

Article II of the resolution provides that each government shall create a national commission made up of qualified officials or ex-officials from its foreign office, and of professors or jurists who are specialists in international law. Each national commission shall act through the foreign office. In this way, they will be directly affiliated with their respective governments and consequently any projects submitted in the future will reflect the attitudes of those governments. 20

Article III contains very important provisions for the creation of a commission of experts, to be composed of

18

Ibid.

19

Ibid.

20

Ibid., p. 263.

seven members constituted in the following manner: Each of the twenty-one governments shall send to the Pan American Union a list of qualified persons not to exceed five in number. These lists will then be transmitted to all of the governments, which in turn shall designate seven persons of whom only two shall be nationals. The commission will be made up of the seven persons obtaining the highest number of votes. The Governing Board of the Pan American Union shall decide by lot in case of ties. There is a provision whereby each of the two great systems of jurisprudence of the Western Hemisphere will always be represented by at least one person. It is expected that this commission will do most of the technical work of codification.²¹

The subject of the rights and duties of states was referred to the Montevideo conference by the Havana Conference of 1928. A convention was adopted December 26, which defined a state, recognition, and intervention as follows:

- Article 1. The state as a person of international law shall possess the following qualifications:
 - a) a permanent population; b) a defined territory; c) government; and d) the capacity to enter into relations with other states.
- Article 2. The federal state shall constitute a sole person in the eyes of international law.
- Article 3. The political existence is independent of recognition by other states. Even before recognition, a state has the right to defend

21

Ibid., p. 264.

its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts.

Article 8. No state has the right to intervene in the internal or external affairs of another. 22

The question of intervention is not a new one. The characteristic resentment against the United States was present at the Havana conference of 1928, although the "imperial personality" of Charles Evans Hughes was able to keep most of it down with the exception of a few outbursts. The question of intervention at Havana brought a discussion that took such an ugly turn that much of it had to be erased
23
from the record.

The delegation from Haiti early conversed with Secretary of State, Cordell Hull, on a subject closely akin to intervention even before they arrived at Montevideo. This delegation stood out and added color to the conference. The one negro republic of the Western Hemisphere was represented by five peaceful men in an effort by President Vincent to remain in the good graces of the United States. The men who had bitterly opposed the agreement of August 7, 1933, providing for the extension of financial control until every last penny was paid, were not included in the delegation. Haiti's delegation had been chosen on the basis of safety

22

Ibid, pp. 166-167.

23

S. H. Inman, "The New Deal at Montevideo," The Nation, CXXXVIII, (January 24, 1934), p. 97.

and was instructed not to offend. During the trip to Montevideo, Mr. Hull listened to the delegates' story with sympathy and understanding. It seemed as though the Haitians had at last found an ally in Mr. Hull. They were promised relief in a memorandum which was drawn up. They visioned Haiti freed from all marines and overlords, however, this dream was abruptly shattered by a press release from Mr. Roosevelt.²⁴ In the press release, President Roosevelt stated:

This government is under an inescapable obligation to carry out the treaty of 1915 and the Protocol of 1919, and in the agreement of August 7, 1933, it has made appropriate provision to that end.

He further explained the willingness of the United States to agree to the Haitian proposal if it were the investments of the United States government which were concerned, but since it concerned individual ownership of bonds, it would be necessary to pursue the present policy until the last payment was made.²⁵

The Haitians decided to appeal to the sympathy of the members of the conference. Their speeches in French, however, were not interpreted and only Cordell Hull seemed interested in them, but the suspicion grew that Cordell Hull had again been repudiated.²⁶

Cuba was responsible for the introduction into the

²⁴ Herring, op. cit., p. 686.

²⁵ Department of State Press Release, December 3, 1933, pp. 320-321.

²⁶ Herring, op. cit., p. 686.

conference of the subject of intervention. The unrecognized president, Dr. San Martin, sent a delegation to Montevideo to state the case against the United States. The Cuban delegation was not picked to be orderly at the conference. The Cuban president believed that Sumner Wells represented the old school of imperialism, the "New Deal" was an empty promise, and the United States was intent on unseating him. San Martin scoffed at the protests that there had been no intervention and pointed out the refusal of the United States to recognize his government. Cuba hoped to receive a chorus of sympathy from the other Latin American countries. They hoped the common sharers of the language of Cervantes would unite and defy the aggression of the United States.²⁷

The vigorous protest of a group in the conference at Havana was met by Charles Evans Hughes who spoke with "pontifical vigor" that nations had duties as well as rights and that "when government breaks down and American citizens are in danger of their lives", the United States must protect them. The treaty abolishing or limiting intervention did not pass.²⁸

Jonathan Mitchell described the Cuban delegation at Montevideo in these words:

The Cubans at the conference are all young, charming, shining-eyed. They have made the rounds of the other Latin American delegations, and have everywhere met

²⁷

Ibid., p. 687.

²⁸

E. Gruening, "A New Deal for Latin America," Current History, XL (December, 1933) p. 273.

with friendliness. They have a dramatic story to tell and they tell it with an almost religious fervor.

Yet, somehow, these young Cubans seem tragic figures. They have no personal ambitions, and consciously have no class feeling. Their hearts are pure and they would unhesitatingly die for the humblest Cuban colono.Yet the most they seemed able to think to ask for was the abrogation of the Platt Amendment. 29

The Cuban delegation was led by Angel Girandy, San Martin's minister of labor, "a bleak windswept figure of apostolic fury." The reality and passion of the appeals of Girandy and Portel Vila are among the memorable happenings at the conference. These appeals were flavored with revolution and disorder. 30

The question of intervention has long been a sensitive spot carefully protected by the United States. The appeal of Cuba's delegation might well have been considered a Magna Charta addressed to the United States. Mr. Hull's attitude of sympathy toward Cuba seemed to promise the Cubans that if they would wait, they would be taken care of. Rumors grew and spread that the question of intervention was about to be steamrollered and put aside until some future date. Herring explains that well conceived plans with this end in view had been formed. The offenders would be smothered with lethal words from Saavedra Lamas.

29

"Pan American Prelude", New Republic, LXXVII (December 27, 1933) p. 192.

30

Herring, op. cit., p. 687.

Chile's Cohen would aid Saavedra in this work, and Cordell Hull would finish with the idea that such an important matter should be postponed with the view of giving plenty of time for careful consideration and codification. Those were the plans, but they did not materialize. No one had anticipated the fervor which swept over the conference when the subject of intervention was first mentioned. It was no longer a deliberative and careful assembly of political representatives. It was a revival meeting in which men testified and prayed, and in which converts were caught by the power and swing of words.

Portel Vila made Cuba's appeal. Pleas were then made by Panama, Colombia, Haiti, and Nicaragua, all of whom had felt the effects of the United States Caribbean policy. Dr. Puig of Mexico made an appeal for the extension of the New Deal directly to the relations of the United States with Latin America.

Herring vividly describes this phase of the conference thus,

While the floodgates of argument were opened, Mr. Hull sat slouched over, eyes down, with his prepared manuscript before him. His interpreter whispered the thread of argument in his ear. As Dr. Puig developed his appeal, Mr. Hull began to write, to underline, to revise his manuscript. Evidently it would not do. Then a messenger made a trip between Mr. Hull and Mr. Saavedra Lamas. Every delegate knew plans were being changed. Mr. Saavedra Lamas arose and calmly

31

Ibid.

32

Ibid.

announced Argentina's adherence without reservation. Chile's Mr. Cohen announced that Chile accepted the resolution. 33 The resolution referred to Article 8 which reads in part: "No state has the right to intervene in the internal or external affairs of another." 34

After the debate had proceeded some two hours, Mr. Hull arose to make a statement which was to prove to be of tremendous historical importance--in the following terms:

The policy and past attitude of the United States Government toward every important phase of international relationships in this hemisphere could scarcely be made more clear and definite than they have been by both word and action since March 4, 1933. Every thinking person must thoroughly understand by this time that under the Roosevelt Administration the United States Government is as much opposed as any other government to interference with the freedom, the sovereignty, or other internal affairs or processes of the governments of other nations.

President Roosevelt during recent weeks gave out a public statement expressing his disposition to open negotiations with the Cuban Government for the purpose of dealing with the treaty which has existed since 1903. 35 I feel safe in undertaking to say that under our support of the general principle of non-intervention, as has been suggested, no government need fear any intervention on the part of the United States under the Roosevelt Administration.

In the meantime, in case of differences of interpretation and also until they can be worked out and

33

Ibid.

34

Report of the Delegates, p. 18.

35

Mr. Hull referred to the press release of November 24, 1933, in which President Roosevelt explained the inability of the United States to recognize any provisional government until it was sure that government had popular support. He expressed the desire to play the part of the good neighbor and enter negotiations for a modification of the permanent treaty existing between the United States and Cuba.

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codified for the common use of every government, I desire to say that the United States Government in all its international associations and relationships and conduct will follow scrupulously the doctrines and policies which it has pursued since March 4, which are embodied in the different addresses of President Roosevelt since that time and in recent peace addresses of myself.....before the conference and in the law of nations as generally recognized and accepted. 36

Hubert Herring comments on the effect of Mr. Hull's statements in this manner:

There is more joy in Heaven over one sinner who repenteth, and Latin America viewed the action of the United States in terms of repentance. It was a revival meeting in which the Tennessean, Cordell Hull had represented the United States at the altar rail.

From that hour the air at Montevideo cleared. Pan Americanism took on a meaning which it had not possessed since Bolivar first dreamed. Editorial writers of Montevideo and Buenos Aires began to say, "perhaps after all there can be a living Pan Americanism." Delegates who had dismissed the conference as idle talk came to life and pronounced the conference the greatest of all conferences. Mr. Hull was responsible. He had not planned to say what he did, but he said it and that was the important thing. 37

In regard to the consequences of Secretary Hull's speech on non-intervention, Inman wrote:

Pan Americanism has been saved from the rocks on which it was rapidly drifting... After the memorable session on intervention, I talked with delegates from Cuba, Guatemala, Santo Domingo, Paraguay, Bolivia, and various other countries. All these confirmed my feelings concerning the positive results at Montevideo, which mark a real change of course in inter-American relations. The Cuban Delegation was among the most enthusiastic. With Haiti and Nicaragua, they have been the sharpest critics here of American policy.

36
Cordell Hull, Op. cit., pp. 37-38.

37
Herring, op. cit., pp. 692.

They believe a final blow has been given to a practice that has divided the American continent. 38

Article 10 on the rights and duties of states defines the "primary interest of states" as being the conservation of peace, and provides that differences of any nature arising between the signatory countries shall be settled by recognized
39
peaceful methods.

Article 11 reads as follows:

The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consist in the employment of arms, in threatening diplomatic representation, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily. 40

This resolution was signed by the United States delegation with the reservations made by Cordell Hull in his address on
41
peace and non-intervention.

The Argentine and Uruguayan delegations each submitted a proposal or treaties and their interpretation. Since these proposals were along the same lines in many respects, it was agreed to make a composite draft of the two. This proposal was finally submitted to the international

38

Inman, op. cit., p. 99.

39

Report of The Delegates, p. 19.

40

Ibid.

41

Ibid., p. 20.

commission of jurists established by resolution LXXI, to
 which reference has previously been made.⁴²

Resolution LXXIV, adopted by the conference December 24, provides that the entire problem relating to international responsibility of states be studied by the agencies of codification established by the conference. The resolution further provides that the foreigner shall have civil equality with the national as to the maximum limit of protection to which he may aspire, and provides that diplomatic protection cannot be initiated in favor of foreigners unless they exhaust all legal measures established by the laws of the country before which the action is begun.⁴³

The topic of political asylum was considered at Havana in 1928, at which time a convention was adopted. The conference, however, approved a supplementary convention to which the United States delegation declared:

Since the United States of America does not recognize or subscribe to, as a part of international law, the doctrine of asylum, the delegation of the United States of America refrains from signing the present convention on political asylum.⁴⁴

The conference adopted a convention on extradition which the United States delegation signed with reservations on the following articles:

Article 2 which provides that if an accused person is not surrendered, the state is required to bring action against him providing the crime is punishable under the

⁴²

Ibid, pp. 20-21.

⁴³

Ibid.

⁴⁴

Ibid.

laws of the demanding and surrendering states with a minimum penalty of imprisonment for one year.

Article 3; when accused persons are required to appear before any extraordinary tribunal or court of the demanding state, military tribunals will not serve to meet the requirements.

Article 12. Once an application for extradition has been refused it cannot be made again for the same alleged act.

Article 15: Articles found in possession of the person estradited shall be turned over the demanding country if these articles have been obtained by the perpetration of the illegal act or are evidence of the same, even though it might be impossible to surrender the accused due to his escape or death.

Article 16: The surrendering state will bear the costs of arrest, custody and similar charges until the moment of surrender of the person to the demanding state. 45

The convention provided for no extradition under the following conditions:

- (a) When, previous to the arrest of the accused person, the penal action or sentence has expired according to the laws of the demanding or surrendering state.
- (b) When the accused has served his sentence in the country where the crime was committed or when he may have been pardoned or granted an amnesty.
- (c) When the accused has been or is being tried by the state to which the requisition was directed for the act with which he is charged, and on which the petition for extradition is based.
- (d) When the accused must appear before any extraordinary tribunal or court of the demanding state.
- (e) When the offense is of a political nature or of a character related thereto. An attempt against the life or person of the chief of state or members of his family, shall not be deemed to be a political offense.

(f) When the offense is purely military or directed against religion. 46

A convention on nationality was approved by the conference and signed by El Salvador, the Dominican Republic, and Uruguay. Mexico signed with reservations. Since the congress of the United States was making a study of nationality at that time, the United States delegation did not sign.⁴⁷

The permanent Committee on Codification of Public International Law submitted a report on the "general principles which may facilitate regional agreements between adjacent states on the industrial and agricultural use of waters of international rivers. The United States declined to sign the resolution including the above mentioned topics."⁴⁸

46

Ibid., p. 22.

47

Ibid.

48

Ibid., p. 23.

CHAPTER IV

WORK OF THE CONFERENCE: ECONOMIC AND FINANCIAL

Dr. Jose Manuel Puig Casauranc, head of the Mexican delegation was elected chairman of the committee on economic and financial problems. Many topics of an economic nature which were included on the agenda were not discussed due to limited chances for success, to the circumstances, and a lack of time. It seemed to be a general opinion that many of the questions were so highly technical as to require much study beforehand, hence they should not¹ be considered in the general conference.

Discussion of economic difficulties, however, occupied a good part of the deliberations at Montevideo. President Terra mentioned the Howley-Smoot tariff in his opening address. He spoke about President Roosevelt's book,

Looking Forward in this manner:

In brief President Roosevelt said that the Howley-Smoot tariff closed almost completely, beginning three years ago, the foreign markets for our industry and agriculture, has served to impede the payment to us of our public and private debts, increased taxation to cover the expenses of the government, and, finally, has closed our factories, and the statesman who shows a profound knowledge of the cause of this evil believes that it is necessary to arrive without delay to a scaling down of the customs tariffs in all of the countries of America and to open the gates, slammed shut by a plan, comparable to the idea behind the

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Report of the Delegates, p. 26.

Chinese wall, which he justly terms as unsound, fatal, and direct originator of the world economic disaster.

Let us repeat with President Roosevelt the utterances of his illustrious predecessor, McKinley, in his public message of 1909, that unfortunately for the world, was not heeded: "The period of exclusion has ended. The period of cooperation and expansion of trade and commerce is the problem of the moment. The treaties of reciprocity are in harmony with the spirit of the times, but not so, the measure of retaliation." ²

Uruguay and Brazil declared in favor of a tariff truce, while Saavedra Lamas proposed a preparatory committee for a Pan American economic and commercial conference. Saavedra Lamas also urged the United States to take the lead in an effort to reconvene the London Economic and Monetary Conference. Peru urged the creation of an international American bank.³

Mexico took the conference with a seriousness which no other country accorded it. The able foreign Minister, Dr. Puig Casonranc, had assembled economists and statisticians in Mexico. Numerous memoranda were formulated on problems of currency, debts, tariffs, and trade agreements. "Dr. Puig is a delightful combination of dilettante, astute politician, and sober patriot," who believes Mexico has been called to head the affairs of Latin America. Dr. Puig was given great reception, but little interest was shown in his proposals. Argentina takes very little

²
Ibid., pp. 101-102.

³
Ibid.

interest in Mexico's aspiration to lead the Latin American countries, and regards Mexico as a country full of Indians and can't imagine how their could be much spiritual traffic with Indians. Dr. Puig presented his proposals with grace and dignity, only to have them brushed aside for a future conference. His addresses were among the most ably delivered and the conviction grew that any realistic Pan Americanism depends as much upon Mexico as the Argentine.⁴

Mr. Hull was the first to suggest that vitally important as were the subjects embraced in the Mexican proposal, it was his frank opinion that the conference was not prepared to deal with the subject of debt and monetary problems, including exchange stabilization, but that another agency should be established with full authority and facilities to act upon these pressing problems and conditions. Mr. Hull repeatedly expressed his opinion at the same time that the issues involving exchange debts, and related conditions were so far reaching in their effects upon the citizens of each of the countries that they should receive the fullest consideration of the conference, then in session, at every move in its deliberations. He stated he was willing to see a full and free discussion of any of the subjects which so vitally affect the welfares of the people of America. In continuing, he reminded the con-

⁴Herring, op. cit., p. 688.

ference that he was not authorized to vote either in the negative or affirmative on any proposal which might result from such a discussion.⁵ Secretary Hull discussed with a great deal of frankness the situation with respect to debts and explained that neither he nor the United States Government was authorized to represent either debtors or creditors at the conference. He further emphasized the fact that he had no interest in barring such discussion from the conference, but merely indicated that should he vote either in the negative or affirmative he would be overstepping his powers.⁶

Dr. Saavedra Lamas then opposed the Mexican plan, declaring that a common agreement regarding a moratorium on debts was impossible. He stressed the wide differences in the financial situations of the various countries, and suggested that the matter be referred to a subcommittee. Brazil, Chile and several other countries immediately supported the suggestion. The question was referred to a

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Mr. Hull was referring to the taboo placed on economic questions by President Roosevelt's press release of November 10, 1933, in which he stated,

.....unsettled conditions, such as European commercial quota restrictions, have made it seem desirable for the United States to forego immediate discussion of such matters as currency stabilization, uniform import prohibitions, permanent customs duties and the like.

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Report of the Delegates, pp. 26-28.

subcommittee and a plan was eventually worked out, whereby the project was referred to the Inter-American High Commission. In accord with a resolution approved December 16, the Third Pan American Financial Conference should be called upon to study the projects included in the Mexican plan. It was also resolved that it should be held at Santiago, Chile at a time designated by that government.⁷

Several proposals for currency stabilization and a uniform monetary system were presented to the conference. Resolution LXXIII was adopted by the conference, in the preamble of which we find the following declaration:

Due to the circumstances of being engaged in the rehabilitation of national economy and finance, many American governments do not consider this the opportune moment for making international agreements about stabilization.⁸

The same Resolution (LXXIII) referred to the various proposals which were presented to the conference on the subject of currency stabilization and a uniform monetary system to the third Pan American financial conference which was to meet in Santiago Chile.⁹

The subject of commercial arbitration was referred to the Seventh Conference by the Fourth Conference of 1931. The resolution of the Fourth Conference directed a study to be made of the possibilities of adopting arbitration as the basis for settling commercial difficulties between the

⁷

Ibid., p. 28.

⁸

Ibid., p. 31.

⁹

Ibid.

American countries. The United States proposed that the recommendations be adopted. This proposal was approved as resolution XLI, which also provided for the appointment of an unofficial inter-American commercial agency to represent the commercial interests of all the republics and assume the responsibility of establishing an inter-American system of arbitration.¹⁰

Resolution XLII was adopted in an endeavor to facilitate tourist travel by recommending that the various governments do away with the various requirements and obstructions now in force in the way of passports and visas. The Pan American Union was urged to formulate a plan to promote tourist travel in the Western Hemisphere. The United States delegation took occasion to state that, pending the fulfillment of the resolution, the United States would be very glad to conclude reciprocal agreements with the intention of a reduction or a waiver of visa fees for tourists. The delegation further added that President Roosevelt was ready to amend the existing executive order to as to waive passport and visa formalities for properly identified citizens coming to the United States as tourists or temporarily for business or pleasure.¹¹

The Cuban delegation presented a draft convention on patents, but it was decided it would be impossible

¹⁰

Ibid.

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Ibid., p. 32.

to make a detailed study at this convention, hence a resolution was adopted providing for the continuation of existing machinery. The Conference also failed to adopt the draft convention on customs procedure and port formalities. Resolution XLIV provided for a committee, whose function it would be to draw up a proposal for the unification of custom procedure.¹²

Resolution XLVII was adopted by the conference which urged all countries in which an insurance monopoly does not exist to create a central regulatory body for insurance. The United States delegation suggested that uniform marine insurance be also included in the proposal, but stated the United States could not take a definite stand on the subject, since uniform legislation among the states did not exist. Resolution XLIX was approved and recommended the inclusion in the legislation of the various republics, provision for penalties for the theft and pilferage of merchandize of American vessels.¹³

The discussion of strictly economic matters took a considerable part of the time of the conference. The committee on economic matters was headed by Dr. Saavedra Lamas and was charged with the following topics: customs duties, import quotas and prohibitions, and collective commercial treaties.

¹²

Ibid., p. 33.

¹³

Ibid., p. 253.

The United States delegation presented a proposal to the conference on December 12, which covered all of the topics referred to the committee. This proposal laid down a broad program of economic, commercial, and tariff policy which was based on the plan suggested by Cordell Hull at the London Conference of 1933.¹⁴ In presenting his proposal at Montevideo, Secretary Hull said:

We are here to promote peace, progress, and prosperity. The moral, intellectual, and spiritual values of the American nations are naturally treasured above and beyond all other human desires and purposes. That this conference will mark an epoch in the broader and more rapid development of the qualities so indispensable to the higher human attainments is now plainly evident.

It is necessary at this juncture to consider a material phase. The physical well-being of the individual must ever be a matter of concern to the state. Since 1929 the peoples of every part of the world have experienced distress and suffering without a parallel in peace time. All nations have vainly struggled to diagnose basic causes and to prescribe basic remedies. I do not rise for the purpose of undertaking an analysis of a vastly confused and complicated business and economic conditions. The delegation of the United States in light of both domestic and international economic conditions, feels justified in offering the proposal which I shall presently take the liberty of reading and laying before the conference.

Business in every country is under every sort of artificial restraint. Every country today is evoking every possible policy and method and device in the form of domestic programs in a desperate effort to extricate itself from well-nigh unbearable panic conditions. A number of countries like the United States are thus prosecuting broad and constructive domestic programs with splendid prospects of continued progress toward business recovery.

The field of international trade, however, upon the existence of which the economic lives of scores of

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Ibid., pp. 54-55.

nations and the economic well-being of all nations in an important measure depend, is hopelessly clogged with prohibitions, embargos, quotas, and many other arbitrary restraints and restrictions. The proposal I am about to read is based upon the conviction that full, stable, and durable business recovery can only be effected by the restoration of international trade and finance to an extent mutually profitable.

It is therefore proposed that a general understanding among all important countries should, at the earliest possible date, be brought about in concert for the elimination of the more useless and hurtful trade barriers and for the reduction of tariffs in accordance with a moderate policy.

The economic proposal of the United States delegation therefore would strike at the distressing effect on business of excessive trade barriers by offering an earnest declaration in favor of their reduction from the present abnormal heights to a reasonable level. The proposal would also implement its declaration of broad policy by proposing two important methods for carrying it into effect. The first would be by the immediate adoption of a policy of bilateral reciprocity commercial treaties based on mutual concessions to be entered into by nations of this hemisphere among themselves and other nations as well, and the second, by a proposed understanding with other important countries that we and they proceed simultaneously to bring down these trade barriers to a level dictated by a moderate tariff policy.

It is proposed to keep alive this policy and this proposal pending the operation of temporary emergency, or other extraordinary measures comprising domestic programs for national economic recovery, and gradually to carry this proposal into effect at such times and in such manner as may be practicable.

The proposal merely sets forth the important declaration aforesaid and suggests what is deemed the most feasible course to carry it out. It calls for no treaties or conventions or other legal commitments by the conference. The proposal is offered with due deference to the opinion of individuals but with confidence that it is both timely and wise. 15

It is commonly believed that the adoption of the economic proposal by the conference is among its most important contributions. Briefly summarized, this

proposal provides for the following:

- (1) The governments undertake to reduce high tariff barriers through the negotiation of bilateral reciprocity treaties;
- (2) The governments subscribe and call upon other governments of the world to subscribe to the policy of gradually reducing tariffs and other trade barriers, through the simultaneous initiation of negotiations for the conclusion of bilateral or multilateral agreements for the removal of prohibitions and restrictions and for the reduction of tariff rates to a moderate level;
- (3) The revival and revision of the convention of 1927, or the negotiation of a new convention, for the abolition of import and export prohibitions and restrictions;
- (4) The principle of equality of treatment stands as a basis of an acceptable commercial policy, and whatever agreements shall be entered into shall include the most favored nation clause in its unconditional and unrestricted form. 16

Most of the delegates supported the proposal regarding the lowering of customs duties. The Argentine delegation gave the proposal whole-hearted support. Dr. Puig Casauranc, in supporting the resolution, pointed out that tariff reduction, however, would not be sufficient so long as credit continued to be inflated and the disparity between the gains of capital and labor continued to exist. Chile in line with her recent policy, stood for granting favors to her neighboring nations. Ecuador opposed the most favored nation formula on the ground that it might interfere with existing preferential agreements among the Latin-American countries made with the object of creating a customs union. Peru, El Salvador, and

Haiti objected to a policy of lower tariffs on the grounds that it would tend to be discriminatory toward European nations.¹⁷

It was made clear by the United States delegation that the approval of the proposal would not represent an obligatory pledge concerning future action on the most-favored nation treatment, but only general approval of the principles involved. The proposal was finally unanimously adopted by the conference on December 16, with reservations along the lines indicated by the delegations from Ecuador, El Salvador, Haiti, and Peru. Resolution LXXX, in response to the Chilean and Ecuadorean suggestions, recommended the study of a formula for granting exclusive commercial advantages to contiguous¹⁸ or neighboring countries.

The delegation of the United States proposed a resolution for the purpose of implementing the most-favored nation provision. This recommended the various states to agree not to invoke the most-favored nation clause in order to obtain multilateral conventions of the kind contemplated by the Hull plan, unless they are themselves prepared to assume corresponding obligations. The proposal was embodied in Resolution LXXXI which was adopted and which provides for the deposit of the draft agreement with the

¹⁷

Ibid., pp. 56-57.

¹⁸

Ibid., p. 275.

Pan-American Union, the latter being charged with the responsibility of keeping the agreement open for signature. The resolution further provides that all states of the world be invited to become parties to the agreement.¹⁹

The same committee brought forward resolutions on import quotas, import prohibitions, and a commercial conference. A declaration (LXVII) was approved upon the recommendation of the Brazilian delegation concerning import quotas. The declaration stated that the system of quotas is in conflict with the principle of equality of economic treatment, provided that the American countries would cooperate for its elimination as quickly as possible, when the motives which may have caused these restrictions shall have disappeared; and that, pending the total abolition of these restrictions, the countries employing the system shall apply it so as to disturb as little as possible the present relative competitive positions of the various countries. Resolution LXVIII was adopted, recommending that the American countries include in their future commercial treaties, clauses under which they should agree, whenever possible to consult the interested countries before applying new measures of a sanitary character respecting international commerce in animal and vegetable

¹⁹

Report of the Delegates, p. 275.

products. It also provided for a mixed committee of experts
to settle any dispute with reference to sanitary regulations. ²⁰

A proposal for a commercial conference to be held
at Buenos Aires was prepared by the Argentine delegation.
This was adopted in Resolution LXVI by the conference on
December 23. The conference would be convoked to discuss
the following subjects: ²¹

- a) Port facilities for the arrival, loading, unloading,
and departure of ships and aircraft;
- b) Reduction of customs duties;
- c) Improvement of land, maritime, fluvial, and aerial
communication;
- d) Clearance facilities;
- e) Animal and vegetable sanitary police regulations;
- f) Suppression of smuggling;
- g) Simplification of customs procedure;
- h) Tourist facilities;
- i) Uniform classification of merchandise, in continuation
of the labor begun at the First Pan American Conference
on uniformity of specifications. ²²

²⁰

Ibid., p. 261.

²¹

Ibid., p. 58.

²²

Report of The Delegates, p. 260.

CHAPTER V

WORK OF THE CONFERENCE: MISCELLANEOUS

The only work referred to Committee III--on the political and civil rights of women--was the report of the report of the Inter-American Commission of Women on the Political and Civil Equality of Women. Senor Jose Gonzalez Campo of the Guatemalan delegation was elected chairman. The question of political and civil rights of women occupied a more prominent place at the Seventh Conference than at any previous one. For the first time, a number of women actively participated in the official discussions of the conference. Three countries included women in their delegations; Paraguay, Senorita Maria F. Gonzales; the United States, Dr. Sophonisba P. Breckenridge; and Uruguay, Dr. Sofia A. V. de Demichelli.¹

The Sixth Pan American Conference adopted a resolution, creating an Inter-American Commission of Women which was to take charge of the preparation of juridical information and other data which might be deemed valuable in enabling the Seventh Conference to take up the consideration of the civil and political equality of the women on this continent. The report of the committee, however, was not available before the meeting of this conference. Instead, a report was

¹

Report of the Delegates, p. 23.

given on the background of the subject, to which was added a summary in the languages of countries concerned, the constitution, codes, and laws of each of the countries on the subject of equal rights. The report recommended a treaty on equal rights for women and an equality convention on nationality. The conference approved a convention on the nationality of women, providing that,

There shall be no distinction based on sex as regards nationality, in their legislation or in their practice. ²

The delegation of the United States signed the agreement with the reservation that it would "of course and of necessity" ³ be subject to the congress of the United States.

The proposal for the adoption of an equal rights convention failed. However, Resolution XIX was adopted by the conference--a resolution which, so far as the peculiar circumstances of each country would permit, provided for the establishment of a maximum equality between men and women in matters relating to the possession, enjoyment, and exercise of political and civil rights. The Conference on December 16, adopted Resolution XVIII, requesting the committee to continue its work and to present proposals before the Eighth Conference with the view of putting into effect the equality of men and women. Resolution LXV recommended that feminine delegates be included in the

² Ibid., pp. 23-24.

³ Ibid.

delegations to the next conference. The Inter-American Commission of Women was invited to appear before the Conference at its plenary session of December 16, at which time its representatives addressed the Conference.⁴

In the field of social welfare, a considerable program had been included in the agenda for the conference, including such problems as the creation of an inter-American bureau of labor, while would include in its program the promotion of safety in industry, improvement of housing conditions, social insurance, and a number of related items.⁵

At the first meeting of the committee on social problems on December 5, Dr. Geronimo Riart (Paraguay) was elected chairman of the committee. Three subcommittees were organized to consider problems of labor, social welfare, and social hygiene respectively.⁶

The Mexican delegation presented a proposal for the creation of an inter-American bureau of labor which was accepted as a basis for the deliberations of the committee. Several proposals were made which were embodied in resolution XXIII. It recommended the establishment of an inter-American labor institute with headquarters at Buenos Aires, the governing body of which would include the inter-American labor conferences and an inter-American labor office.

⁴ Ibid., pp. 24-25.

⁵ Report of the Delegates, p. 34.

⁶ Ibid.

The juridical authority of the bureau, however, is to be determined by the eighth conference. The United States, although not represented on the subcommittee, informed the committee in the plenary session on December 16, that the present economic situation would prevent the United States Government from joining such an enterprise. The United States delegation abstained from voting on this resolution, although it expressed sympathy with the objectives inspiring the plan. In announcing the position of the United States, the delegation made this declaration:

We wish to put on record that although we are in principle in sympathy with the purpose that inspires the project on the international labor office, there are fiscal reasons, in view of the present economic situation, which prevent the United States Delegation from supporting a project that would involve new expenses in this connection. ⁷

Resolution XXIV was adopted with a view to improving conditions. It urges the various governments to take into consideration the social, economic, and hygienic factors in the planning, building, and rebuilding of their cities and that individual home ownership be promoted. It entrusts to the Pan American Union the duties of promoting and arranging ⁸ for a special inter-American congress on housing.

At the last regular plenary session of the conference, after the committee had rendered its report, five new projects were hastily submitted to the committee and

⁷
Ibid., pp. 35-36.

⁸
Ibid., p. 38.

approved by it. Under the circumstances the United States delegation deemed it advisable to leave the following statement with the secretary general of the conference:

The delegation of the United States desires to make the statement given below with regard to the following projects: Proposal of the Peruvian Delegation on lending dignity to labor; Proposal of the technical adviser of the Argentine delegation, Alejandro G. Unsain, on the campaign against unemployment; Proposal of the Brazilian delegation on cooperation in America; Proposal of Dr. Arturo Torres Jr. on agrarian reform; Proposal of Sr. Joa Lorenzo, on the improvement of the conditions of the labouring class.

Lacking the time necessary to duly study these projects, the delegation of the United States of America find it necessary to abstain from voting. 9

The conference adopted Resolution XXVI which recommended that the child welfare institute be organized according to the resolution of the Child Welfare Congress of Lima of 1930; namely, that each adhering country should have two representatives, one a resident of Montevideo, and the other a technical delegate, residing in the respective country; that the delegates to the institute residing in Montevideo meet with the director at least once a year; and finally, that the annual quota of \$2,000 for each adhering country be maintained, but that in view of the present economic situation, the governments may contribute a similar amount. 10

The committee also discussed the subject of the model food and drugs act, drafted by the Seventh Pan American Sanitary Conference at Havana. Although the Sixth Conference

9
Report of the Delegates, p. 36.

10
Ibid., p. 37.

had approved the recommendations of the Seventh Sanitary Conference, it was explained that it was now desired to place further emphasis on this recommended legislation and to bring the model law more directly to the attention of the countries of the union which had not enacted legislation concerning the provisions. Hence, Resolution XXVI was approved by the conference, recommending that food products and drugs, not under the sanitary control of the country of origin, should not be exported to other American countries and that such products should comply with the sanitary laws and regulations¹¹ of the country to which they are exported.

Argentina and Brazil presented projects envisaging respectively the collection and diffusion of information relating to tuberculosis and to leprosy. As these were new topics, they were referred to the committee on Initiatives and were, in due time, referred back to Committee V. Resolution XXVIII recommended the creation of a national anti-tuberculosis committee in each country. The Pan American Sanitary Bureau was designated as the coordinating center between the national committee or other existing institutions. The ninth Pan American sanitary conference was entrusted the task of determining the advisability of creating the tuberculosis institute. Resolution XXIX recommended that the International Center for the Study of

¹¹

Ibid., p. 38.

Leprosy in Rio De Janeiro be utilized for cooperation among the American countries in their campaign against leprosy and that any country of the American continent might adhere to the center and send technicians to specialize in the methods of combating the disease.¹²

Resolution XXX recommended that the countries represented forbid the importation and sale, in amounts exceeding the actual needs of each, of opium and its derivatives. The conference also recommended in Resolution XXXII that the governments extend effective support to their respective national Red Cross societies, and went on record in favor of holding the third Pan American Red Cross conference in the near future.¹³

Committee VI, on Intellectual Cooperation, considered the following subjects:

- (1) Inter-American copyright protection.
- (2) American bibliography.
- (3) International cooperation to make effective respect for the conservation of the national domain over historical monuments and archeological remains.¹⁴

Mr. Justin Baron, chairman of the delegation from Haiti, was elected committee chairman, and a subcommittee was chosen to consider each of the topics mentioned in the agenda.

¹² Report of the Delegates., p. 38.

¹³ Ibid., p. 38.

¹⁴ Ibid.

Pan American copyright relations are based on four separate and materially different treaties beginning with the convention of Montevideo concluded in 1889, down to the last convention signed at Havana in 1928. According to the report submitted to the conference by the executive committee, of the American Institute of International Law, it appears that of the twenty-one countries in the Pan American Union, four are not parties to any Pan American copyright convention and the largest number of countries having mutual relations under any of the treaties is thirteen, under the convention of 1910. The lack of uniformity and effectiveness in copyright relations under such an arrangement is apparent.¹⁵

The delegation of the United States believed a solution to such a problem could be arrived at only after a comprehensive preliminary study had been made by all of the governments concerned, in order that the general principle upon which a convention might be based should be agreeable to all countries concerned. With this mind, the United States delegation submitted a project in the form of a resolution, urging all of the governments of the Union to enter upon an immediate exchange of views with the purpose of attempting to reconcile and adjust differences of opinion on the more important aspects of the copyright question. It further provided that a committee of qualified experts be appointed

¹⁵

Ibid., p. 39.

by each country to cooperate with similar committees in all other American countries, in an attempt to arrive at an agreement acceptable to all countries and which they would agree to make effective by appropriate legislation.¹⁶

The resolution which was finally accepted and adopted by the conference provided for the setting up of a committee to be composed of five members appointed by the countries in whose capitals Pan American copyright conventions have been adopted and one delegate to be appointed by Uruguay to prepare a draft convention which should harmonize with the principles established by previous conventions at Rome and Berlin. The delegation of the United States refrained from voting on the resolution.¹⁷

The United States delegation introduced a resolution into the conference with the purpose of stimulating the exchange of bibliographical material between the various countries of the Pan American Union. The idea brought forth immediate response from the other delegations, some of whom presented similar proposals. The resolution recommended that the various countries compile a list of bibliographical material; that a critical and classified list of all works should be published in all languages; that a uniform catalog system be followed; that there be an exchange of publications

¹⁶ Report of the Delegates., p. 40.

¹⁷ Ibid., p. 199.

of the various legislative bodies, as well as a number of
rules adopted for making national libraries more available. ¹⁸

Resolution XI provided for the creation in the Pan American Union of a "Division of Scientific and Technical exchange," which shall direct, systematize, and coordinate the international efforts in the field. National committees were also to be organized in each country. The resolution recommended a greater interchange of ideas and information and of professors, students, and investigators among the various countries of the Western Hemisphere. The original draft limited financial support of such exchanges to contributions from governments. The delegation of the United States, however, called attention to the fact that education in the United States was supported by local or state funds, while the educational systems of the other countries were supported by the national governments. Hence, the resolution provided that the necessary funds shall be obtained by voluntary annual contributions from the interested countries, private institutions, or philanthropists. Provision was also made for the inter-American institute of scientific investigations; the organization, seat, and methods of operation of which were to be determined by the Pan American Union in cooperation with a committee of experts. ¹⁹

¹⁸ Ibid., pp. 40-41.

¹⁹ Ibid., pp. 41-42.

There seems to have been complete agreement as to the desirability of stimulating archeological exploration and research and encouraging the preservation of archeological and historical monuments in the Americas. A resolution was adopted, referring to the consideration of the governments, the question of the desirability of drawing a multilateral treaty on the protection of movable monuments. Another resolution referred to immovable monuments and recommended that the governments sign a convention for the protection of artistic and cultural edifices and monuments.²⁰

A convention on the teaching of history was approved by the conference, establishing at Buenos Aires an "Institute for the Teaching of History", and making numerous provisions with a view to encouraging the teaching of history and the revising of history texts. Inasmuch as the convention requires the governments of the contracting states to carry out the textbook revision, the United States delegation was unable to become a party to the convention.²¹

Resolution L was adopted recommending the diffusion of information through publicity organizations, libraries, and other means of education concerning the purpose of inter-Americanism with regard to international solidarity, peace, labor, and justice. The same resolution provided for the adoption of a "Flag of the Americas." This flag

20

Report of the Delegates, pp. 40-41.

21

Ibid., p. 42.

was designed by the Uruguayan artist, Captain Angel Comblor, and consists of three purple maltese crosses in a horizontal row on a white background, with a yellow sun arising back
 22
 of the middle cross.

Another resolution provided for the exemption from customs duties of books, newspapers, periodicals, and magazines published in any of the signatory states. The United States delegation abstained from voting on this measure in view of the fact that it was adopted without time for its consideration. In summary it may be observed that of the seventeen projects reported favorably from the Sixth Committee, the United States delegation voted favorably on ten and abstained from voting on four. The latter were the convention just referred to and the three resolutions on copy-right protection, the exemption from customs duties of books and magazines, and the exemption from customs duties
 23
 on paintings and sculptures, the work of American artists.

The United States delegation made the following statement before the plenary session of the conference on December 16:

.....The delegation of the United States would like to be regarded as one of those which places the greatest emphasis upon intellectual cooperation between the countries of the Americas. That the people of the United States are eager for knowledge and appreciation of the intellectual achievements of Latin America is

22

Ibid., pp. 42-43.

23

Report of the Delegates., p. 43.

evidenced by the increasing number of scholars and institutions of learning in my country which are turning their attention more and more to the countries to the south of us. We are anxious that your great scholars and institutions of learning should get better acquainted with us. 24

A White House press release of November 10, 1933, given out just before the United States delegation departed for Montevideo had stressed the importance of rapid transportation as a means of carrying out the good neighbor policy. The United States delegation made clear the interest of the United States in improving transportation. It was announced in the White House release that it would be the policy of the United States to work out in collaboration with the other governments an exploratory program for the improvement of all forms of transport and passenger service.²⁵ The delegation of the United States conveyed to the conference the president's desire to assist in improving the aerial communications between the various American nations. The delegation further announced that the United States would soon be operating planes between the American nations of such a type as would increase speed by fifty percent.²⁶ The American delegate pointed out some of the difficulties connected with the improvement of the air service:

But these higher speeds are only part of the problem of more rapid inter-American travel. In the effort to attain rapid air transport between the Americas,

24

Ibid., pp. 43-44.

25

Department of State Press Release November 10, 1933.

26

Report of the Delegates., pp. 45-46.

difficulties are now encountered on account of excessive formalities required at some airports; unnecessarily complicated requirements enforced in certain cities in order to comply with formalities required by existing consular requirements for the clearance of persons and goods; the distance of airports and seaplane anchorages from the centers of cities; and the fact that officials charged with the receipt and dispatch of aircraft are often not promptly at the ports. These observations may well be taken under consideration by all our countries.

Receipt and dispatch of aircraft should be upon the same basis as the receipt and dispatch of automobiles, rather than adhering to the anachronistic routine built up in marine transportation. It is believed it will be perfectly safe to eliminate the necessity of bills of health for aircraft in international service, except in time of outbreaks of epidemics; passengers and goods transported by air pay a higher fare than those employing other means of transportation, and it is highly probable that carriers of contagion are not likely to be included among air travelers.

Goods and passengers with their baggage, not disembarking at an airport, shall not be subject to customs examination at the airport. Goods for air transport should be dispatched with a minimum of documentation consistent with proper fiscalization and given preference by the authorities concerned. At present it is usually required that consular declarations be made from 12 to 24 hours in advance of the departure of a plane; thus, last-minute passengers and goods-shipments are delayed until the following plane, in view of the impossibility of modifying the documents as originally visaed. Consular officers should adopt their office hours or the duties of their staff to immediate commercial dispatch of goods and passengers. Police permits, if absolutely necessary, should be available within a minimum of time for the necessary authorization.

Airports are sometimes as far as forty kilometers from the center of the city they are intended to serve, while roads to airports are not always direct, and are quite often without drainage or pavement, thus making travel in wet weather difficult if not impossible. Every effort should be made to install air bases as close to the center of the city as feasible, and combined landplane and seaplane bases should be established at points where conditions permit the operation of both landplanes and seaplanes. Roads and trainlines, which will permit rapid transit, should connect the airport and the center

of the city. As far as possible, airports for receipt and dispatch at frontier points should be joint airports of both countries involved. It seems a pity, that when speed is so essential; an airplane must suffer the delay of grounding and going through all the delays incident thereto, only to have this same performance repeated a few miles farther on the other side of the border. One landing and one operation should suffice.

Certain post offices close mails for outbound air dispatch many hours before the departure of aircraft. This time should be reduced to the absolute limit consistent with efficiency of dispatch and the time required for delivery of mails to the airports.

While it may at present be difficult for all of the governments of this hemisphere to accord direct financial aid to the companies operating international services, we are of the common opinion that exemption from duties on airplane and landing field material and from taxes could, and should, be granted which would prove of an importance equal to other recommendations for the facilitation of airplane service. 27

The importance of placing beacon lights along the routes traversed by mail and express planes from the United States to South America was also pointed out, it being noted that the time required to fly from Miami to Buenos Aires could be reduced from seven to two and one-half days by the use of lights. It was stated that congress would be asked to stand behind the United States in the financing of such a program of lighting to the fullest practicable extent.
28

In order to attain this end, the delegation of the United States proposed that a committee of aviation experts and engineers be called upon to study ways and means of

27

Ibid., pp. 46-47.

28

Ibid., p. 47.

attaining more rapid aerial communication. The conference adopted a resolution LIII which recommended that a commission of experts be constituted in the manner and at the place to be decided by the governing board of the Pan American Union to study means of fostering inter-American aviation, among them being the establishment of a continuous line of radio stations, beacons, and aerodromes.²⁹

The conference also urged the governments which had not yet ratified the aviation convention signed at Havana in 1928 to do so, and urged that the views and recommendations of any delegation on this subject be referred to all the governments signatory to the convention, with a view of having them considered at the Eighth Conference. The United States delegation also recommended that the conference approve the resolution adopted by the Fourth Pan American Commercial Conference of 1931 with reference to duties and taxes. It also recommended that the American republics put into effect as soon as possible the aviation procedure recommended in the final report on Customs Procedure and Port Formalities of 1929, as well as the resolution of the Fourth Pan American Commercial Conference in order that the aviation companies concerned might be able not only to increase the frequency of service between all points, but also to fulfill plans to connect by July 1, 1934, the cities of Buenos Aires and Montevideo with New York by an air service of five days.³⁰

29

Ibid.

30

Report of the Delegates., p. 48.

With regard to penal provisions, the conference approved Resolution LII, recommending the adoption of certain principles relating to the penalty for offenses committed on board aircraft. The delegation of the United States refrained from voting on this subject in the committee meeting.³¹

The Seventh Pan American Conference considered the work of the Second Pan-American Highway Congress which met at Rio de Janeiro, August, 1929, and of the Inter-American Highway Congress at Panama in October, 1929, which provided³² for a reconnoissance survey through Central America.

In the White House release of November 10, 1933, President Roosevelt had also stressed the importance of the inter-American highway. Our delegate pointed out that the United States Congress had appropriated \$50,000 to enable this government to cooperate with the Central American governments in the work of making a reconnoissance survey. The governments of Panama, Guatemala, Nicaragua, Costa Rica, and Honduras had cooperated with United States engineers in making such a survey, which was completed shortly before the conference. The United States delegation presented a preliminary report of the survey which indicated that about one-third of the total distance of 3, 200 miles from the Mexican-United States border at Nueva Laredo to the city

31

Ibid.

32

Ibid.

of Panama had been completed. No definite action, however,³³ was taken by the conference on this subject.

The conference adopted Resolution LXXXV which recommended that the governments utilize as soon as possible the five short-wave frequencies, through the intermediary of the Pan American Union, for the broadcasting or inter-American radio programs. It requested the Pan American Union to take the necessary steps to bring about the fullest possible utilization of these frequencies.³⁴

Considerable time was given to the subject of "International Conferences of American States." The Pan American Union submitted to the conference a report of the activities of the Pan American Union during the five year period 1928-1933 in which was printed a summary of the results of numerous special and technical conferences held during the interval³⁵ between the last two conferences.

The conference adopted a resolution which had as its purpose the task of interpreting article 2 of the convention on the Pan American Union adopted in 1928 at the Havana conference. That article reads as follows:

The conferences shall meet at periodic intervals. The Governing Board of the Pan American Union shall determine the date on which they shall meet, provided that in no case shall a longer period than five years elapse between conferences, except in case of force majeure.

33

Ibid., pp. 48-49.

34

Ibid.

35

Report of the Delegates., pp. 49-50.

The resolution interprets this to mean that Pan American conferences may be convoked whenever two-thirds of the members of the Governing Board of the Pan American Union so desire. ³⁶

As has been noted, the Argentine delegation, at the opening meeting of the committee on Initiatives, proposed that Spain be invited to be represented at the conference by "an observer." At the suggestion of Brazil, the proposal was amended to include Portugal as well. The conference adopted a resolution which pointed out that any modification of the organization and functions of the Pan American Union must be the object of careful study. The resolution further recommended that the Governing Board consider the question and suggest to the Eighth Conference:

The steps to be taken to insure the full and whole-hearted cooperation of the International Conferences of American States, and of the Pan American Union with non-American organizations and states without complicating or involving the integrity of the international organization of the 21 American republics. ³⁷

In regard to the question of the adhesion of non-signatory states to the convention, the conference adopted Resolution LXII, which suggested to the Pan American Union that it study, through such channels as it might deem necessary, the advisability of permitting the adherence of states which are not signatories of conventions signed in the Pan American conferences, and which are not members of the

36

Ibid., pp. 51-52.

37

Ibid., p. 52.

38

Pan American Union.

Lima, Peru was designated as the meeting for the next conference. Invitations will be issued by the government of Peru.

39

Resolution LIV was adopted by the conference and recommended that the documents of all Pan American Conferences, whether general or technical, be published within a year of the date of adjournment according to a uniform manner. The Pan American Union was entrusted with the duty of preparing such uniform plan for the documentation of the conferences.

40

Resolution LV recommend that the Pan American Union take the necessary measures to secure the preparation of projects on topics included in the programs of the various international conferences, and to transmit such projects in advance to the governments who are members of the Union.

41

In an attempt to secure the prompt ratification of treaties and conventions and the early application of the resolutions adopted at the conference, Resolution LVI was approved, providing that the Pan American Union, at the suggestion of the respective governments, shall designate a representative in each country, who shall, in agreement with the local Pan American committee, endeavor to bring about the

38

Ibid.

39

Ibid.

40

Ibid., p. 53.

41

Report of the Delegates., p. 256.

fulfillment of resolutions and the ratification of
conventions.⁴²

Resolution LVII further provides that the Pan American Union may inquire of the governments which have failed to ratify any convention whether they are willing to explain the objections that they may have to such ratification. This is with a view of studying the possibility of finding solutions in which the majority of the states might be able to concur. It also provides that the Pan American Union shall report to each conference the results of this inquiry. The respective conferences shall then study the necessary modifications in order to secure their acceptance by a majority of the states. The Pan American Union is also requested to transmit to the governments every six months a chart showing the status of the inter-American treaties and conventions.⁴³

Resolution LVIII recommended that the Pan American Union suggest to the member states that they endeavor to secure the greatest exchange of information with regard to the activities which each is carrying on in compliance with the mandates of the conferences, as well as in general, their activities in favor of the Pan American movement. Resolution LIX recommended that the Pan American Union distribute among the governments, copies of the reports

42

Ibid.

43

Ibid., p. 257.

submitted to the conference on the activities of the respective governments in giving effect to the resolutions and conventions of previous conferences.⁴⁴

The conference requested the Pan American Union to suggest to the member governments that they pay their quotas for the support of the Institute of Geography provided for in Resolution LX. Resolution LXI further suggested that the various governments be reminded of the necessity of contributing their respective quotas for the erection of the Columbus Memorial lighthouse.⁴⁵

Resolution LXXXVIII invited the representative press associations of Montevideo, Rio de Janeiro, and Buenos Aires to consider the bases of an inter-American committee of journalists, and recommended to the press and news agencies that they devote more space to news relating to the nations of America.⁴⁶

⁴⁴

Ibid., p. 258.

⁴⁵

Ibid., pp. 258-259.

⁴⁶

Report of the Delegates, p. 281.

CHAPTER VI
CONCLUSIONS

Three and one-half weeks after the conference had first assembled, the attitude of the Hispanic-American states toward the United States had been profoundly altered. Friendship and good will had replaced suspicion, and antagonism.¹ As an evidence of the especial interest of this government in putting into practice the "good neighbor" policy in Latin America, the secretary of state attended the conference as head of the United States delegation. This was the first time that a secretary of state of this country had been a delegate to any of the periodic inter-American conferences.²

Tangible evidence of the positive results of the conference is shown by the fact that the conference adopted five conventions, ninety-five resolutions, and signed an additional protocol to the convention of Inter-American conciliation of 1929. The ninety-five resolutions were concerned with peace, international law, political and civil rights of women, intellectual cooperation, transportation and economic, financial and social problems. The conventions were concerned with the following: nationality

¹ Gruening, op. cit., p. 143.

² Department of State Conference Series No. 20. American Delegations To International Conferences, Congresses, and Expositions and American Representation on International Institutions and Commissions United States Government Printing office, Washington, 1935. 19-20. (hereafter referred to as American Delegations)

of women; nationality*; extradition; political asylum*;
 teaching of history*; rights and duties of states.³

It is believed the conference did very effective work in perfecting the inter-American peace machinery. It also organized a special committee to consider the dispute between Bolivia and Paraguay and the conference cooperated in bringing about a temporary cessation of hostilities.⁴

One of the most important achievements of the conference was the adoption of an economic proposal presented by the North American secretary of state, prescribing a broad program of economic, commercial, and tariff policy. This favors the negotiation of bilateral reciprocity treaties, a reduction of tariffs, the abolition of import and export prohibitions and restrictions, and unconditional most-favored nation treatment.⁵

In the field of international law, the most important resolution referred to the methods for the codification of international law. It provided for the maintenance of the International Commission of Jurisconsults, the creation of an international commission of codification of international law and the creation of a committee of experts.⁶

Resolutions dealing with communication recommended the

*(not signed by the American delegation)

³

Ibid.

⁴

Ibid., p. 19.

⁵

The American Delegation, p. 19.

⁶

Ibid., p. 20.

establishment of a commission of experts to study the means of fostering inter-American aviation, adherence to the Habana Convention on Commercial Aviation, and the utilization of the five inter-American short-wave frequencies. The United States delegation emphasized the importance of improving communications between the American republics, and, as an evidence of this, it presented a preliminary report of the reconnoissance survey of the inter-American highway, which was made by engineers of this country in collaboration with the governments of Panama, Guatemala, Nicaragua, Costa Rica, and Honduras. In addition to these activities, the conference also provided for the holding of several technical conferences.⁷

Pan Americanism has taken on reality--the reality of sympathy and support by the entire membership. This was the outstanding achievement of the conference. The explanation of how such a result was attained is to be found partly in principle and partly in personality. While our policy toward our neighbors may not have been reversed, certainly it has changed from the type existing since the McKinley Administration. The artless diplomacy of sincerity and genuine sympathy of Cordell Hull captured the Montevideo conference. His kindness and sincerity in the belief that the countries of the Western Hemisphere should be treated as equals influenced the delegates and made leadership

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Ibid., p. 20.

8
 possible. The conference seemed to present evidence of the existence of a continental spirit among the nations of this continent. The delegations seemed convinced that the numerous economic and political problems could be solved only by a spirit of mutual helpfulness and cooperation.⁹

The events and aftermath of the Sixth International Conference of American States seemed to present sufficient evidence to indicate the possibility that the Havana conference might be the last conference of American states. However, the Seventh Conference removed such fears from the minds of most of the American republics. To crown the Seventh Pan American Parley, Foreign Minister Alberto Mane, of Uruguay, threw a rosy light upon the Monroe Doctrine by crediting the United States with a messianic spirit toward its neighbors, and saying that this country had created Pan Americanism as a state of mind and a continental sentiment,¹⁰ instead of a political system. The difference between the attitude of the United States delegation, and the attitudes of those we sent to previous conferences is just the difference between the personality of Mr. Hull and that of the smug,¹¹ pontifical and, at times overbearing Charles E. Hughes.

8
 Gruening, op. cit., p. 144.

9
 L. S. Rowe, "The Seventh International Conference of American States", Bulletin of the Pan American Union, LXVIII, (March, 1934), 157.

10
 Editorial, "Teaching the Pan American Dove to Coo", Literary Digest, CXVII, (January, 1934), 7.

11
 O. G. Villiard, "Mr. Hull, Pan Americanism and the Tariffs", The Nation, CXXXVIII (January, 1934), 36.

The interest of Mexico, as shown by the preparation of a complete program for the conference, may possibly be interpreted as the beginning of a series of moves to bring about more favorable commercial relations with her neighbor to the north. At any rate, most of the delegation were convinced that Mexico would have to be reckoned with as much as Argentina in any Pan American activity in the future.

From this study it would seem that a new type of Pan Americanism has emerged in which mutual understanding and inter-dependence form the keynote. In view of the fact that Cordell Hull's policies are more or less centered around the breaking of trade barriers, and also considering the carefully prepared economic program presented by Mr. Hull, the evidence indicates that the United States is still basically interested in trade with Latin America, though under the banner of the "good neighbor."

Time alone will determine whether or not the American republics have become good neighbors. There is one thing certain, however, that is that whatever are the permanent gains of the conference, due credit must be given to Secretary Hull for his tactful, diplomacy, and his genuine simplicity and understanding.

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Abigail Murphy