

## LATIN AMERICA AND INTERNATIONAL ARBITRATION.

The following address was delivered by the Cuban Minister in the United States, Señor GONZALO DE QUESADA, at the banquet of the Pennsylvania Arbitration and Peace Conference in Philadelphia, May 19, 1908, in demonstration of the continuous interest felt by the various countries of Latin America in the cause of international arbitration:

MR. CHAIRMAN AND GENTLEMEN: I am deeply grateful for your kind invitation to say a few words at this banquet, and I thank you most heartily for the opportunity of enjoying your hospitality. This reunion is in itself a convincing proof of the success of your work and of the highest spirit of cordiality which inspires it. To your gathering you have brought the representatives of great and small nations, men of various continents; you have had in mind the principle of justice and humanity and not the one of might and power.

To the first of these principles Latin America has been devoted since its birth. Hardly had the patriots to the south of you achieved their independence when they strove not only for alliances among themselves, not only for continental liberty, but for the loftiest of ideals—the Brotherhood of Man!

Three-quarters of a century before the call of the First Hague Peace Conference, the Washington of South America, Bolivar, the heroic and invincible soldier, foresaw those assemblies where nations were to meet on a plane of juridical equality, and to come closer together in the respect of their independence for the promotion of such rules of conduct which would forever banish war as the means of settling their disputes, making arbitration the supreme judge in their international differences.

This alone and the subsequent and consistent efforts in the cause of arbitration should be enough to entitle Latin America to the regard and consideration of the civilized world.

Nevertheless superficial observers are wont to sneer contemptuously at the countries and men of Latin America, and those interested in the exploitation of its rich lands would have the world see only the natural and temporary shortcomings of those young nationalities and deny them the noble virtues with which they have endeavored, at the cost of their very lives, to modify and correct the inherited disadvantages with which they came into political existence, such as the physical geographical character of their vast, isolated territories, and, above all, the colonial institutions under which they had been brought up, not the best preparation, by any means, for self-government.

These carping critics, mere soldiers of fortune in quest of fraudulent concessions and illicit business, talk high about disorders, instability, and revolutions—which they themselves foment, abusing the welcome of generous peoples—and the scholar has no chance of being heard in defense of the Latin-American statesmen who have struggled patiently for a century to weld together the elements of a population consisting of the descendants of a proud and conquering race, and of the enormous native mass which,

instead of disappearing, as in the north, has been saved from extermination, and lives and enjoys to-day the continent of their forefathers.

The thirteen colonies were in fact thirteen free Commonwealths, and when they were emancipated they had little to change in the spirit of their institutions. The American revolution was but an evolution, but when the Latin-American colonies became independent they had to uproot, to clear the earth, to sow and to plant anew. With you, independence and Republic were synonymous; with them the hard lesson of liberty had to be learned. The revolution in Latin America did not end with the departure of European troops; it continued and had to continue, irrespective of the wise and impartial opinions of those who only care that their investments yield them huge and easy dividends, and who for the welfare of those countries go far away from their own free homes in the unselfish missionary work of elevating the turbulent, ignorant, mongrel, and hot-tempered latins; these revolutions which are necessary evils in the formative period of nations, and have existed in all communities where old forms of tyranny lurking under subtle disguises must be destroyed in order that true liberty shall cease to be the empty shadow of a name and become a substantial reality.

Still in the midst of all of their internal political disturbances, Latin America has kept before it the ideal of international arbitration. The Congress of Panama in 1826, called by Clay "the boundary stone of a new epoch in the world's history;" the proposed meetings at Mexico in 1831, 1838, 1839, and 1840; the conferences of Lima in 1847 and 1864, and the second congress planned to be held at Panama in 1881, were the heralds of those future Pan-American conferences which were to encourage and strengthen the solidarity of the American Continent.

When in 1880 Colombia and Chile signed a treaty binding themselves to submit to arbitration, whenever they could not be arranged through diplomatic channels, all controversies and difficulties of whatever nature, and to endeavor at the earliest opportunity to conclude with all American nations similar engagements to the end that the settlement by arbitration of each and every international controversy should become a principle of American public law, they were not only keeping up with the movement for the rule of reason and law, but were showing themselves to be far ahead in the propagation of that doctrine which, once established by universal consent, will banish forever the sufferings and misfortunes of war with its accompanying devastation and death.

And such was the confidence of these nations in the uprightness and fair play of the United States that they determined that in case no agreement could be reached in the selection of the arbitrator, the arbitrator was to be none other than the President of the United States of America.

The first Pan-American Conference was held at Washington in 1889-90, and not one of the Latin-American nations failed to respond to the call!

In that conference, and always the pioneers of most advanced principles of justice, all the Latin-American nations but one voted that conquest was never to be thereafter recognized as admissible under American public law; that all cessions of territory made subsequent to that declaration were to be absolutely void if made under threats of war or the presence of an armed force; that any nation from which cessions shall have been exacted might always demand that the question of the validity of the cession, so made, should be submitted to arbitration, and lastly that any renunciation of the right to have recourse to arbitration should be null and void whatever the time, circumstances, and conditions under which such renunciations shall have been made.

The Argentine Delegate Señor QUINTANA, who afterwards was to occupy the presidential chair in his country, laid down, once for all, the doctrine that "to the eye of international American law there are on this Continent neither great nor small nations; all are equally sovereign and independent; all equally worthy of consideration and respect."

It was the Argentine Republic itself, with Chile, which was to give to the world the first and only example of the realization of that object which the august Czar of all the Russias had in mind when he called the First Peace Conference—the limitation of armaments.

The treaty as to this point and the arbitration of their boundaries is one of the most beautiful triumphs of reason over force, and well was it symbolized by the statue of Christ, on the colossal pedestal of the Andes once scaled by the veterans of San Martin on their mission of fraternal cooperation for liberty, and the words engraved thereon shall be a consoling message to humanity for all ages: "Sooner shall the mountains crumble to dust than Argentines and Chileans break the peace which, at the foot of Christ, the Redeemer, they have sworn to maintain."

The Second Pan-American Conference at Mexico, in 1902, recognized as part of public international American law the principles of the three conventions signed at The Hague on the 29th of July, 1899, and went still further. The delegates of ten of the Republics signed a treaty of compulsory arbitration, obligating themselves to submit to the decision of arbitrators all controversies that existed or might arise among them, and which diplomacy could not settle; provided that, in the exclusive judgment of any of the interested nations, said controversies did not affect either the independence or the national honor, and they stipulated that these should not be considered as involved in controversies with regard to diplomatic privileges, boundaries, rights of navigation, and validity, construction, and enforcement of treaties. Besides this, all the countries represented at the conference, including the United States of America, concluded a convention for the submission to arbitration of all claims for pecuniary loss or damage of sufficient importance which could not be amicably adjusted through diplomatic channels, in this way making distinct progress in the application of arbitration, realizing one of the high aims of the project of arbitration convention submitted by Russia to The Hague Conference and eliminating a frequent source of disputes leading to ill feeling, especially between powerful and weak nations.

Shortly after the closing of the conference Mexico put into practice its devotion to arbitration, submitting to The Hague Permanent Court its contentions with the United States in the long-pending case of the "Pious Fund of the Californias." It was the first case submitted to the tribunal, and it gave it life and prestige.

It was left to the Third Pan-American Conference of 1906, to show to the world the union of the Continent and the lofty and altruistic sentiments of the American people. The nations assembled at Rio Janeiro, ratified and extended the convention of arbitration of pecuniary claims, and reaffirmed their adherence to the principle of arbitration, and to the end that so high a purpose should be rendered practicable they recommended that instructions were to be given to their delegates to the Second Peace Conference of The Hague to endeavor to secure by it the celebration of a general arbitration convention so effective and definite that, meriting the approval of the civilized world, it could be accepted and put in force by every nation.

But the culminating event of that assemblage was the visit of the Secretary of State of the United States, the Hon. ELMER ROOT. When the nations of America saw him rise, and heard his eloquent voice, they saw in him the great people he represented, and heard the voice of law, of justice and of right, and it was not only Latin America but the world that was thrilled by the message of fraternity, and no human speech has done more for the furtherance of peace and love among mankind. Hear him again and you will be proud of him as an American and all of us will be proud of him as a man: "We," he declared in the name of the United States of America, "wish for no victories but those of peace, for no territory except our own, for no sovereignty except the sovereignty of ourselves. We deem the independence and equal rights of the smallest and weakest member of the family of nations entitled to as much respect as those of the greatest empires, and we deem the observance of that respect the chief guarantee of the weak against the oppression of the strong." And he con-

tinued: "We neither claim or desire any rights or privileges or powers that we do not freely concede to every American Republic. We wish to increase our prosperity, to expand our trade, to grow in wealth, in wisdom, and in spirit, but our conception of the true way to accomplish this is not to pull down others and profit by their ruin, but to help all friends to a common prosperity and common growth that we may all become greater and stronger together."

A few months afterwards when, thanks to the interest and good offices of President ROOSEVELT, "the recognized possessors of every foot of soil upon the American Continent," as Mr. Root aptly puts it, were invited by the Emperor of Russia to The Hague Conference and were represented "with the acknowledged rights of equal sovereign States in the World Congress," it was Brazil, the cordial and magnificent Republic of the South, with the ringing tones of RUY BARBOSA, who championed and vindicated the principle of juridical equality between the greatest and smallest nations, those of the new as well as of the old continent. It was he who unflinchingly and unswervingly maintained that "Sovereignty is the supreme elementary right of constituted and independent States, that sovereignty means equality, and that ideally and practically sovereignty is absolute and does not admit of classification."

The most visible gain in the cause of arbitration made in the conference was the substantial embodiment in a convention of the Drago Doctrine. The famous note of that statesman regarding the differences between Venezuela and Great Britain and Germany had raised the question of the compulsory collection of a public debt in which unscrupulous adventurers would use their governments as tools to reap unearned profits in their usurious dealings.

Doctor DRAGO sounded a clarion note warning the Republics of America to be alert at these possible aggressions and consequent occupation of their territory signifying the suppression or subordination of their governments. And showing the identity of the American mind he held, as the Secretary of State of the United States, ELIHU ROOT, and the Brazilian, RUY BARBOSA, that "among the fundamental principles of public international law which humanity had consecrated, one of the most precious is that which decrees that all States, whatever be the force at their disposal, are entities in law, perfectly equal one to another, and mutually entitled, by virtue thereof, of the same consideration and respect."

But these were not the only voices of Latin America which were raised in the Second Peace Conference in the cause of equality, of peace, and of fair play; and in Perez Triana of Colombia the defense of the right of self-preservation of the weak, the scathing condemnation of greed, the broad questions touching all that was vital for the welfare of humanity, had in him the most fervid of orators and the glowing and sure future of Latin America its most enthusiastic and grandiloquent prophet.

With these spokesmen and such sentiments and ideals, it was no wonder that Latin America, as the distinguished president of the conference, M. de NELIDOW, said, became a revelation to the world.

To its peace and progress Latin America is pledged. Some of its peoples have already happily passed the period of trial and experiment; they are approaching the leaders among the older nations; some day they are bound to forge ahead. Others unfortunately still struggle and suffer, but they are neither laggards nor cowards and hope and faith are with them. To these your sympathy and your love and your charity should go. The United States in their infancy gave them the protection of the Monroe Doctrine. In their hour of sorrow and distress they encouraged them, and would not profit by their failings or their misfortunes. Let the United States, to its imperishable glory, continue the unselfish policy enunciated in the still nobler and broader doctrine in which ELIHU ROOT has expressed the feelings and genius of the American people: "Let us help each other to show that for all the races of men the liberty for which we have fought and labored is the twin sister of peace and justice."