

# LATIN AMERICA AND THE MEXICAN CONFERENCE

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In considering the development of the Latin-American republics and the part they took in the Mexican Conference, it is well to begin by trying to fairly measure the disadvantages our southern neighbors have had to contend with in their upbuilding.

It is a trite saying, and a perfectly true one, that we know less about Central and South American governments and people than they do of us, and it could be said of us with equal fairness that our criticism of them is usually in inverse ratio to our knowledge concerning them. Difference in language, life and blood, and the absence of national acquaintance thus brought about, coupled with their ports being almost "Tierra Nueva" to our shipping, explains, but does not justify this.

The general public relies almost wholly upon the press for its information and opinions concerning the outside world, and hence it is to be expected that in their views on South and Central American matters the great bulk of our people reflect the opinions of those who write concerning such subjects. As an instance of how public opinion through the exuberance of a writer's language may be unwittingly led to an erroneous conclusion regarding Latin-American conditions and prospects I recall an article in a recent number of the *North American Review* over the signature of "An American Business Man," in which the governments and people of the Latin-American republics are very generally written down as failures. It is true that the writer has been considerate enough to except Mexico, the Argentine Republic and Chile from his otherwise specific conclusions concerning the general incompetency of all, but he does even this in such an inconspicuous manner that the impression is easily left on the reader's mind that the writer's opinion as to the ultimate salvation of all Latin America is an extremely pessimistic one.

I refer to this article chiefly because of the manifest unfairness of the writer's attitude in discussing the subject and because I be-



lieve his conclusions represent the views of many of our people who depend upon their general reading for their knowledge.

The internal troubles and financial difficulties that have, and still, beset many of the republics south of us are explainable when approached in a fair and just manner; and when looked at from that point of view they do not—as many believe they do—appear destitute either of reason or excuse. Several of these republics are nearing three-quarters of a century of existence; almost all have passed their half-century milestone. The governmental machinery of practically all was modeled from our own. They adopted constitutions not only like, but, in some instances, broader than our own. They believed that the republican form of government they set up when they secured their independence was the only one worthy the aspirations of a people, and in this we encouraged them, and do so still. In many ways they followed in our footsteps, anticipating that the same results would follow in their several countries that would follow, and that have followed, in our own. They did what they could abroad—as we did—to attract the attention of emigrants and capital to the undeveloped riches lying within their several countries. They borrowed great sums of money abroad—as we did—and built railways and public works, or granted to eager and willing foreigners concessions therefor under preposterous conditions which have since caused them much trouble. They created customs tariff laws to create revenue and encourage the building up of home industries, as we have done. In a word, they did in these things all and more than we have done to attract immigrants; and still, to their surprise, regret, and, in several instances, their financial undoing, neither immigrant nor capital came to them to any even remote degree comparable with the story of our own country, into which both have poured in a constant and still unending stream. Capital only went to them in large amounts in connection with the development of their early schemes for railways and public improvements, and as these in almost every instance did not bring the immigrant, as it was expected they would do, the population and resources of the different countries have in consequence, with possibly the exception of the Argentine Republic and Brazil, remained practically normal during the past thirty-five years, while their interest accounts and their debts abroad, known by those from whom they borrowed to have been at that time in excess of

their ability to pay, have steadily increased. With such conditions no other result than financial distress could be expected to follow.

The financial difficulties thus forced upon the people of the different republics naturally brought forward in each all sorts of solutions and behind these all sorts of men, just as happens everywhere, and many of these left in their wake political scheming and internal troubles and uprisings, ending many times in great loss of life and in an increase of debt, deprivation and suffering.

In several instances there were added to these troubles the war preparations, and the great expense these entailed, incident to the violent discussions engendered through the many attempts made to settle the interminable boundary disputes each country came into possession of at the time of its independence, as an inheritance from the mother country. These boundary lines were originally not of vital importance, being but the limits of the authority of the different viceroys, as they were named, and hence they were not definitively or clearly specified when the republics were formed. On the western coast of South America still another trouble was added to all these—the Chilean-Peruvian-Bolivian war, from which questions arose which are yet unsolved.

No one can be surprised, with the above outline before him, to find that almost all of the countries south of the United States and Mexico have an enormously large foreign debt, when their resources and population are considered; that several are in the midst of financial difficulties concerning the payments due to those who built their railways and public works, or, that as a result of their sparse population and their limited resources of all kinds, all have been unable to accomplish to any degree, either materially or intellectually, what they expected to be able to do with the governmental machinery they put into operation when they set out on the road of self-government.

Growing out of their many troubles, a current belief has arisen that the larger portion of Latin America is a garden of revolutions; and, hence, that no particular use for arbitration should be expected to be found there, or that they have practiced, or will practice, in the adjustment of their difficulties, recourse to that method for the settlement of disputes. Neither of these beliefs is true. While there has been much disorder among them it has been largely the natural result of the economic causes and conditions to which I have referred,

coupled with the difficulty they themselves have found—and admit—of adjusting republican forms and procedure to the uses of a small, almost unblended and scattered people covering wide territories, who have had ingrained in them for centuries monarchical forms; but, while this is true, I doubt that any one would even now be found willing to say that because of this it was unfortunate that republican forms of government were set up by the different countries in question, or that it would not be now more consistent with our ideals to encourage and assist them rather than to unintelligently criticise them.

It seems but fair that those who criticise these countries for the relatively small material advance they have made, when compared with our own, should face the facts and circumstances that have surrounded the history of each. If this were done it is reasonable to believe that, instead of criticism, a cordial commendation of the many sincere efforts each has made to accomplish something of good for their people and toward the building up and working out of republican institutions on this continent, would result. That they have accomplished no more than they have is regretted by their public men more than by any of us, and their ideals, aspirations and hopes for the future of their different countries are as high and as sincere as are those of any of us with regard to our own. But great progress has been made in each as the commercial statistics of the world will more than show.

There is in each of these republics a strong and steadily increasing element of men of high ideals; men of character, of honesty; men desiring only peace, tranquillity and good order within their country and the development of its lands, mines and industries and the upbuilding and elevation of their people. The influence of this element upon the people as a whole, and upon all branches of their government, is being constantly and growingly felt, as every one knows who keeps in personal touch with the public affairs of these republics.

Some of us are so occupied with criticisms of these countries and of their prospects, and so deeply engaged in the self-appointed task of trying to convince ourselves that because Germany and England have ships, banks and people in these republics that they, therefore, must have sinister designs upon them, that we entirely

overlook the fact that we have neither ships, banks nor people, beyond a handful of the latter, in any of them.

While criticism is no doubt healthful and good when directed at others and not at ourselves, a helpful lift is more effective, and, generally, more gracefully received. If one will but take a moment and read over a list of the banks in South and Central America, many paying 25 per cent in profits, glance at the directories of their railways, some of which pay 6 per cent steadily on their stock, and then take a steamship map of South America and read the names of the lines of ships touching there and the home ports of these lines, he will cease to be, if he ever was, particularly proud of the general commercial position occupied therein by the United States, and more inclined to agree that England and Italy and France and Germany are entitled to all they have commercially attained or that they may attain therein by the influence of their people, shipping, railways and banks.

The boundary disputes of which I have spoken, and the war preparations and the great expense these entailed, have done more, in my judgment, to keep immigrants and capital out of many of the republics south of us than have all other reasons combined. One must not conclude that these long-drawn-out disputes, that have financially crippled some of the republics, indicate that Latin America has not been or is not willing to apply arbitration to these questions. This is not true, as the records of the two Pan-American Conferences that have been held will abundantly bear out. While this is so, it is equally true that at the Mexican Conference there existed a marked divergence of views between the countries represented concerning the extent to which the obligation to arbitrate should go. The subject was approached by the delegates from all the republics with fairness and frankness, the general temper of the conference being reflected by the Mexican minister of foreign affairs, Senor Mariscal, when he said at the assembling of the conference:

“I am certain you will do your utmost to avoid a spirit of dissension, whether it springs from concrete questions or from traditions or instinct. The love of our own country and our absolute identification with it are undoubtedly obligatory virtues and among our most sacred duties. While such is the case, we should not be so blind as not to recognize the rights of others. The truth is that

when we treat of matters of such transcendent importance we ought to forget that we belong to this or that section of the continent, so that in our actions there should appear neither South, Central nor North Americans, but only *Americans* in the broadest meaning of that word."

It may not be generally known or appreciated that the Latin-American republics have taken part in nine conferences and congresses, in each of which they joined in the resolutions or treaties that were adopted or agreed to, strongly urging upon the governments represented the application of the principle of arbitration to all their international questions; or, that the principle of arbitration has been specifically recognized and accepted by the Latin-American republics in more than sixty treaties made between themselves or with other nations. Both statements are, however, true.

Every delegate to the Mexican Conference was ready to assent to a treaty in which the principle of arbitration should be recognized; some, however, wanted to go farther and secure the acceptance of obligatory arbitration. These were divided, however, as to the extent to which the obligation to arbitrate should go. Peru, for example, was in favor of a treaty without any reservations in the obligatory clause, and desired that it should include "pending questions" as well. Mexico, on the other hand, desired that "independence" and "national honor" should be excepted from the operation of the obligatory clause; she desired, however, to define a list of subjects which were not to be considered as within the meaning of the term "national honor." Venezuela desired a reservation covering questions involving her rivers, while several of the delegations were willing to consent to an obligatory clause if it excepted questions affecting their "independence" and "national honor," omitting, however, Mexico's proposed definition of what should not be considered questions of "national honor."

This divergence of views as to the scope of the obligatory clause made it impossible for the majority to fully agree upon a form of treaty, since it was argued by those wishing a clear-cut obligatory clause that the words "independence" and "national honor" were of such an elastic character that they could be easily construed in an obligatory treaty containing them as being equivalent to "voluntary" arbitration, in fact.

The position of the United States delegation—that of opposi-

tion to an obligatory treaty—was looked upon as strange, since at the first conference our delegation advocated and voted for obligatory arbitration, whereas Mexico and Chile did not. Since that time, however, we seem as a people to have agreed that while obligatory arbitration might be a blessing to the world if carried out, that it is impracticable between nations owing to the absence of any motive power to bring about its use outside the two countries interested, since no matter what the character of the obligatory clause might be, there exists no power to force a country to carry out a general treaty obligation to arbitrate a case when it is believed its independence, its national life or interests would be jeopardized by such a recourse. Indeed, this view is apparently becoming well established, since but few of the seemingly large number of so-called obligatory arbitration treaties that have been signed during late years merit that classification, referring as they do in a majority of cases only to specific questions clearly understood and outlined by and between the signatory countries. The most complete form of a general obligatory arbitration treaty of which I have any knowledge was that signed about six years ago between Italy and the Argentine Republic. That treaty, however, has not yet been approved by the Argentine Congress. When it was submitted to the Argentine Senate that body amended it by excluding from the obligatory clause questions affecting the “constitution” of either of the two contracting countries. With that amendment it passed to the Argentine Chamber of Deputies, where it still awaits action.

It is certainly apparent that such exceptions and especially the words “national honor” and “independence” are susceptible of so wide a construction as to easily permit a country that may have signed a treaty containing them as exceptions to its obligatory clause, to find in them ground upon which it could decline to arbitrate a vital question, and it is difficult to conceive of such a question arising between two nations in which “national honor” would not finally occupy a chief place.

In view of the difficulties these considerations brought to the subject of arbitration in the conference, and guided by a desire to see something accomplished of a practicable character and a result secured that would place the countries composing the conference by the side of those of the Old World in the march toward the pacific settlement of international disputes, the United States delegation early

reached a conclusion that the highest good of all would be secured, and the greatest advance made, if the adherence of all the countries represented at the conference could be secured to The Hague Convention; that while that convention was sometimes referred to as being meaningless and without force, it stood as a high-water mark in international arbitration and as the best stepping-stone toward peace; and that the adherence of the American republics to that convention, and their participation in the tribunal it created, would strengthen the latter, extend its influence, and add much to the wide sentiment in favor of the pacific settlement of international questions. This view met some opposition from those in favor of an obligatory form of treaty, but as time went by and the wisdom of harmonious action in the conference on so important a subject became clearer, all sought so far as they could within their instructions to find a satisfactory solution that would lead to practicable results and in which all could join. A common ground was finally found upon which all were in more or less full accord. By the plan adopted a discussion of the general topic of arbitration, with all its possibilities for discord, was avoided in the conference, and, also, a direct vote between the adherents of obligatory and voluntary arbitration made unnecessary. The plan agreed upon was finally brought to a happy conclusion through the efforts and good-will of all the delegates, and a valuable and long-to-be-remembered conference of the western republics thereby concluded in a spirit of cordial confidence and good-will. The results secured by the conference were not, however, limited to the adherence of all the republics of this continent to The Hague Convention, nevertheless that one fact would have marked the conference as memorable. Two other parallel results were obtained. One of these was the signing between nine of the countries represented, in addition to their signatures to The Hague Convention, of a joint treaty by which they obligated themselves to arbitrate their differences; and the other was the signing of a protocol by every country represented in the conference, binding each for five years to submit to arbitration the pecuniary claims of their respective citizens against any of the other signatory governments, when such claims cannot be adjusted through diplomatic channels. This protocol is believed by many to have been one of the most important results of the conference, and it is a satisfaction to those who believe in the principle put into operation through



it, to know that this view is evidently shared in by the United States Senate, since the protocol of which I speak was reported without amendment to the Senate at its last session by the committee on foreign relations, and will, let us hope, be adopted by Congress at its next session.

Evidences of the growth and progress of the southern republics and of the strong desire felt by the people of Latin America to push their troubles behind them and to build up their countries in peace and quiet are not lacking. As an instance, the amicable and definitive settlement of the long-standing boundary dispute between the Argentine Republic and Chile may be cited, followed as it has been by the glad return of the people of both countries to the peaceful pursuits of labor and to the development of their farms, mines and factories.

Some day emigration to our country will cease. Before that day arrives it will set in toward South and Central America and with that current of people and capital all the internal troubles and financial difficulties that have beset, and still weigh down, the republics therein will be carried into history and the material and intellectual development now in progress there will be given an impetus that will not only be lasting, but, as well, a realization of the efforts and faith of their public men who have so patiently and under such great disadvantages labored to that end.