

PROCEEDINGS OF THE INTER-AMERICAN  
SOLIDARITY, 1928 - 1948

by

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## PREFACE

Many efforts have been made in the twentieth century to establish procedures to maintain peace. Some of these have been world wide, while others have been regional. The most successful procedural machinery the world has yet seen was developed by the American Nations along hemispheric lines. The twenty-one republics have worked long and hard in their efforts to attain hemispheric solidarity.

The purpose of this thesis is to trace the growth, step by step, of the procedural methods during the period of 1923 to 1949. The principal sources of information have been the Final Acts and Treaties of the inter-American conferences held during those years. These have been found in International Conferences of American States, 1889-1922, which was edited by James Brown Scott, and the First Supplement, 1933-1940, edited by the Division of International Law of the Carnegie Endowment for International Peace. Also much source material was found in International Conciliation. Other sources have been the Bulletin of the Pan American Union, periodicals, government documents, books, and newspapers.

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## CHAPTER I

### INTRODUCTION

The procedural methods established by the inter-American movement are of vital interest and importance because this movement is unparalleled in that it is the only successful organization of a hemisphere of friendly nations the world has ever known. Twenty-one separate independent republics make up this family. The methods that this group has used in the past and has set up to use in the future to maintain and to promote inter-American solidarity were built slowly in a series of steps, each of which was a natural development of its immediate predecessor.

Inter-American solidarity is a term used to denote the cooperation of all independent nations in the Western Hemisphere and the promotion of common defense, common economic benefits, and common cultural progress. Its purpose is to knit the interests and actions of the American nations so that they will act as a unit in their relations with the rest of the world and will conduct inter-American affairs in a spirit of cooperation and good will. The purpose of this study is to present the principal steps by which procedural methods have been worked out in the attempt to attain hemispheric solidarity.

One of the first faltering steps in this gradual growth

process was made by "El Libertador", Simon Bolivar, who envisioned a united Latin America. He called the first Pan American Conference in 1826 which was attended by four nations, only one of which ratified the "Treaty of Perpetual Union, League, and Confederation". Little if any progress resulted from this premature conference. Although there were a number of attempts, it was not until 1889 that considerable progress was made, when upon the invitation of the government of the United States the first International Conference of American States met in Washington.

The attitude of the United States has always had a great influence in the success or failure of the inter-American movement. According to Bemis the Latin American policy of the United States from Washington to Franklin Roosevelt may be divided into eight general phases: (1) No-Transfer Resolution, (2) Monroe Doctrine, (3) Manifest Destiny, (4) Roosevelt Corollary, (5) Pan Americanism, (6) Panama Policy, (7) Doctrine of nonintervention, and (8) the Good Neighbor Policy.<sup>1</sup>

By the end of the nineteenth century, the United States had expanded its economic interests which constituted one cause of the Spanish-American War. Soon after the War the United States built the Panama Canal and provided defenses to its approaches. Dollar diplomacy was a natural off-spring of

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<sup>1</sup> Samuel Flagg Bemis, Latin American Policy of the United States (New York: Harcourt, Brace and Company, 1943), p. ix.



national economic development and dollar diplomacy involved interference in the internal affairs of Cuba, Haiti, the Dominican Republic, Honduras, Nicaragua, and Panama. Thus, the United States entered the twentieth century in the ranks of the imperialistic nations and the "Colossus of the North" was greatly feared and hated by its sister republics.

The First Conference made some definite proposals that were important, one of which was to establish a permanent organization. This was known as the Bureau of the American Republics which was designed to help establish closer relations among the various countries and to contribute a greater knowledge about them. In the early part of the twentieth century this Bureau was reorganized and given the name of the Pan American Union with headquarters in Washington where, through the generosity of Andrew Carnegie, an impressive marble building was erected to house it. The management of the organization was entrusted to a Governing Board composed of the diplomatic representatives assigned to Washington by the American Republics and the Secretary of State of the United States who served as chairman.

In addition to establishing the Bureau, the First Conference made another recommendation which was to study the Pan American railroads. The publication of a monthly Bulletin was begun in October, 1893; the first issue was a monograph on "Coffee in America". Beginning in 1894, Spanish translations of the leading articles were published.

The history of the Bureau and of its successor the Pan American Union reflects with great clearness the profound changes that have taken place in inter-American relations during the last sixty years. The process of growth and development has been slow and not without many "growing pains". The Latin Americans have viewed Pan Americanism with a great deal of caution and alarm. Perhaps two examples, separated by ten years and six thousand miles, will serve to illustrate their viewpoint. In 1917 a letter from ex-President Theodore Roosevelt, who was seeking to enroll some of the Embassy's personnel in his All American Division, was answered by Luis Cabrera, a member of the Carranzista cabinet;

....What you people must get out of your minds is the idea that we in Mexico want to be like you. We do not in any respect...Our civilization is older than yours by centuries...It suits us better than your machine made civilization, your paternalism and your oversight of Latin American affairs is irritating to us.

To a Mexican of education...who knows life in the states, this Pan American talk is what you say, the bunk. It is nothing but talk, hot air, empty language, disproved every day.<sup>1</sup>

Another example was furnished in 1927 by a Chilean professor in the University of Santiago, who had recently finished a six months' exchange professorship in Berkeley at the University of California.

....We Spanish speaking Americans believe we have more to fear from your rotten press than from Uncle Sam. And that is sayin, a great deal because

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<sup>1</sup> George Marvin, "Latin American Lights on Pan Americanism," Independent, 120:30, January 14, 1928.



no nation in Central or South America fears any European or Asiatic power. We dread and fear only the "Colossus of the North"; your tremendous money power, your commercial enterprise, which often looks like greed to us, and the imperialism which you disavow but which comes to light in Nicaragua, in Panama, in Mexico, in Cuba, in Santo Domingo.

It was not until the Fifth Conference held in Santiago in 1923 that trends began to show a slight shift away from the overruling and overbearing "Colossus" to the Latin American ideas. Perhaps this was due to the Great War that had taken place in the interval since the Fourth Conference in Buenos Aires in 1910. The shift in Latin American trade from Europe to the United States made North Americans more interested in winning the friendship and good will of their neighbors to the South.

Secretary of State, Charles E. Hughes, instructed the delegates to the Santiago Conference that "The government of the United States should take a leading part in the effort to develop a true body of international law, and to this end to provide appropriate means for the authoritative statement of accepted principles of rules for the harmonizing of differences."<sup>2</sup> It was Secretary Hughes' younger colleague Envoy Extraordinary and Minister Plenipotentiary of the United States, Sumner Welles, who was even then arranging the details for the evacuation of the Marines from the Dominican Republic.

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<sup>1</sup> Ibid., p. 31.

<sup>2</sup> Bemis, op. cit., p. 243.

One of the most important results of this conference was the beginning of the machinery set up to settle disputes, the Gondra Treaty of 1923, which will be discussed later in connection with the Havana Conference of 1928.

Before 1928 actual accomplishments leading toward inter-American solidarity were meager. This study will be confined to the period from 1928 to 1948. It was during these twenty years that important procedural processes were established in building better relations among the American Republics.

## CHAPTER II

### PROVISIONS FOR PEACEFUL SETTLEMENT OF DISPUTES

A study of the Pan American Conferences during the twenty year period, 1923-1948, revealed the procedures which have been established to promote better inter-American relations. The first of these meetings was the Sixth International Conference of the American States which met in Havana from January 16 to February 20, 1928. This conference marked the beginning of a new era in Pan American relationships. The sharpest conflicts at Havana were between the views of the Latin American delegates and those of the United States. While little of concrete nature was accomplished, the promise of far-reaching improvements was implied. This was the first conference in which all of the twenty-one Republics of the Western Hemisphere were represented. The program and attention of the delegates were especially directed to creating rules designed to make easier the life of the inter-American society and to formulate principles to answer the moral and material needs of the hemisphere.

Topics for discussion ranged from a "code of international private law" to the simplification of consular procedures; from the rights and duties of States to aviation; from consultation and treaties to maritime neutrality or frontier police. The program and regulations for the meeting had been set up and

approved by the Governing Board of the Pan American Union. The topics fell into eight groups and each was assigned to a commission in which each republic was to have one vote and as many delegates as it might choose. As these committees met to work on their respective problems many difficulties arose, but by persuasion and compromise each came to an agreement and presented its resolutions and reports.

There were many unfavorable conditions surrounding this conference due mainly to the aloofness of certain states and the suspicion and resentment that the occupation of Nicaragua by the United States Marines had aroused.<sup>1</sup> However, most of the twenty Latin American Republics attempted to debate live questions with the "Colossus of the North". Mr. Charles Evans Hughes, head of the delegation from the United States, successfully prevented the discussion of such delicate questions as trade barriers and other political matters that might arouse undue animosities.

Three outstanding achievements in the process of establishing procedural methods for the purpose of attaining inter-American solidarity were made at this conference. They were the reorganization of the Pan American Union; the beginning of the codification of international law; and the first step toward the establishment of compulsory arbitration.

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<sup>1</sup> The Marines had been sent by President Coolidge to Nicaragua in 1927 for "The protection of the interest of the United States" and were not withdrawn until 1933.

The Commercial Bureau of the American Republics had been established by the First International Conference of American States in 1889 and the Pan American Union by the Fourth Conference in 1910. There had been some reorganization at the Santiago Conference of 1923--the most notable being the provision that an American Republic, which for any reason might not have a diplomatic representative accredited to the government of the United States, could appoint a special representative to the Pan American Union. Also, the chairmanship of the Governing Board was made elective, instead of its always being filled by the Secretary of State of the United States.

Further reorganization was carried out at the Havana meeting. In the convention on the Union, the American Republics agreed "to continue their joint action of cooperation and solidarity by means of periodic meetings of the International Conference of American States, as well as by means of organs established by virtue of international agreements, and through the Pan American Union which has its seat in Washington and whose organization and function shall be regulated by the present convention..."<sup>1</sup> The Union of the American States had aimed at the fulfillment of its objectives through the following organs: The International Conference of American States, the Pan American Union under the direction of a Governing Board,

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<sup>1</sup> James Brown Scott, editor, The International Conferences of American States 1889-1923 (New York, Oxford University Press, 1931), p. 356.



and every organ that may be established by virtue of conventions between the American States. It was provided in the Final Act that the International Conferences would meet at periodic intervals on the date determined by the Governing Board of the Pan American Union. No longer than five years was to elapse between conferences except in case of "force majeure".

The power and government of the Pan American Union were placed in the Governing Board which was composed of representatives appointed by the governments of the American Republics. This was a change from the old policy that required the delegates to be the diplomatic representatives from the Latin American States to the United States. Since the provision of five years before that the chairman need not be the Secretary of State of the United States had not been made effective, it was provided that the Board elect its Chairman and Vice-Chairman annually.

The Governing Board was empowered to appoint a Director General who would be in charge of all administration of the Pan American Union and who would be responsible to the Board. The Assistant Director acted as secretary to the Board. The Director General had the power to appoint, with the approval of the Board, the personnel necessary to the work of the Pan American Union, and to endeavor as far as possible to distribute the positions among nationals of the countries who were members of the Union.



An annual budget was made and submitted to the member nations with the quotas that each was to pay to maintain the Union. This quota was based on the latest official statistics of population in possession of the Pan American Union on the first day of July each year. The Governing Board was given the authority to create whatever administrative divisions or sections within the Union that it deemed necessary to carry out its various functions. For example, one of its duties was to assist in the development of social and cultural relations. By the next year, the following had been established: the Division of Intellectual Cooperation, Inter-American Historical and Geographical Institute, and the Inter-American Bibliography Division.<sup>1</sup> In compliance with another resolution the Division of Agricultural Cooperation was created in 1928.

Another of the new functions assigned to the Pan American Union was that it should serve as a depository of the ratification of the conventions signed at the Conferences, and then was to notify the other signatory nations of the receipt of the ratification. The governments of the member countries were to submit two copies of their official documents and publications which were related to the purpose of the Union, in so far as the internal legislation of the respective countries permitted.

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<sup>1</sup> "Activities of the Pan American Union in Promoting Closer Intellectual Cooperation Between the Countries of America," Bulletin of Pan American Union, 63:460-461, May, 1929.

The second major achievement of the Sixth International Conference was the adoption of the Code of Private International Law to be known as the "Bustamante Code". The need of codification had been recognized early in the history of the Pan American movement. Before World War I, two organizations, the International Commission of Jurists and the American Institute of International Law, had been created to further the discussion and the codification of the principles of law in America.<sup>1</sup> The Institute was under the direction of Dr. James Brown Scott and Dr. Alejandro Alvarez, well known legists from the United States and Chile. There had been several meetings of the International Commission of Jurists and this Code, with very few minor changes, which had been presented at their meeting in Rio de Janeiro in 1927, was adopted at Havana. The Code in its final form was largely the work of Dr. Antonio S. De Bustamante. As a special tribute and honor to him, the Conference agreed that it should be known as the "Bustamante Code".<sup>2</sup>

In Article 2 of the Convention, it was agreed that the "provision of this Code shall be applicable only among the contracting Republics and among the other States which adhere to it in the manner hereinafter provided."<sup>3</sup> When the Code had

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<sup>1</sup> Hazel Riggs, "The Santiago and Havana Pan American Conferences, 1923 and 1928," (Unpublished manuscript in the author's possession), p. 41.

<sup>2</sup> Scott, *op. cit.*, p. 443.

<sup>3</sup> *Ibid.*, p. 325.

been ratified by at least two nations, it was to be in force for the signatory nations thirty days after the deposit of the ratification. Any State could denounce the convention on submitting in writing a notification of the denunciation to the Pan American Union which would immediately send a literal copy of the notification to the other signatory nations, informing them of the date on which it was received. The denunciation would take effect one year after it had been received in the office of the Pan American Union. The Code is divided into four main sections: civil law, commercial law, penal law, and law of procedure.

The section on international civil law considered the general and specific rules of procedure set up to deal with a vast amount of personal relationships concerning the nationals of one country who reside in the territory of another. The code on international commercial law brought together the rules and regulations of commercial enterprises. The third section dealt with the penal laws which established uniform methods to be used by the States when offenses have been committed in territory within their jurisdiction by nationals of other States.

The fourth section was called the International Law of Procedure. The first part was made up of general rules, one of which stated that the laws of each contracting State determined the competence of its courts, as well as their organization, the forms of procedure and of execution of judgments,

and appeals from their decisions. Also no contracting State should organize or maintain in its territory a special tribunal for members of other contracting States. The Articles then took up the methods that were to be used to make the other laws effective. For example, Article 344 stated that in order to render effective international judicial competence in penal matters, each of the contracting States "shall accede to the request of any of the others for the delivery of persons convicted or accused of crime, if in conformity with the provisions of the title (Extradition) subject to the disposition of international treaties and conventions...which authorize the extradition".<sup>1</sup>

There were some noticeable omissions in the Code, one of which was any statement on the rights of women. However, for the first time in an International American Conference, women were given the freedom of the floor and a Commission for Women was created and authorized to report to the Seventh Conference.<sup>2</sup>

The resolutions to the Final Act of the Sixth Conference established and made more authoritative the International Commission of Jurists which had its headquarters in Rio de Janeiro. The date of the meeting was to be established by their prospective governments, and the Pan American Union was

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<sup>1</sup>Ibid., p. 390.

<sup>2</sup>"Sixth International Conference of American States," Bulletin of Pan American Union, 62:330, April, 1928.

given the responsibility to see that it did meet. Three permanent committees were organized: one in Rio de Janeiro for the work relating to public international law; another in Montevideo for the work dealing with private international law; and the other one in Havana for the study of differences and similarities in legislation.

The third of the major achievements of the Sixth International Conference was the resolution on Arbitration and Conciliation. It was at Havana that the United States made a last defense of its intervention in the Caribbean.<sup>1</sup> After a great deal of struggle the resolution that "no state may intervene in the internal affairs of another" was adopted.

In the Resolution on Arbitration and Conciliation, the American Republics condemned war as an "instrument of national policy in their mutual relations".<sup>2</sup> Obligatory arbitration was adopted for the settlement of international differences of a juridicial character. Since this subject could not be adequately discussed, it was agreed that the American Republics would meet within one year in Washington for a conference of conciliation and arbitration. The governments were instructed to send to this meeting plenipotentiary jurists with instructions regarding the maximum and minimum which they would accept in the extension of obligatory and arbitral jurisdiction. Another resolution stated that every act of aggression would be

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<sup>1</sup> Bemis, op. cit., p. 252.  
<sup>2</sup> Scott, op. cit., p. 437.



considered illegal. War of aggression "constitutes an international crime against the human species" and the American States agreed to employ all pacific means to settle conflicts which might arise between them.

The International Conference of American States on Conciliation and Arbitration met in Washington on December 10, 1928, in response to the invitation of the Government of the United States. On January 8, 1929, twenty of the republics signed a general convention of inter-American conciliation, a general treaty of American arbitration, and a protocol of progressive arbitration.<sup>1</sup> Argentina refrained from signing the treaties because she did not agree with the provision for establishing a commission of Arbitration. However, the Argentina press praised highly the general work of the Conference in establishing a means of peaceful settlement of disputes.<sup>2</sup>

While deliberating on the convention, the delegates to the Washington Conference were faced with a situation growing out of the long standing disputes between Paraguay and Bolivia. War seemed imminent but the Conference addressed communications to both governments expressing hope that the differences could be settled "peacefully and in a spirit of justice, concord, and fraternity."<sup>3</sup> At the same time the Conference appointed a special committee to advise it as to what

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<sup>1</sup> "International Conference of American States on Conciliation and Arbitration," Bulletin of the Pan American Union, 63:113, February, 1929.

<sup>2</sup> New York Times, January 7, 1929, p. 7.

<sup>3</sup> L. S. Rowe, "Latin America," New York Times, January 2, 1929, p. 48.



conciliatory action might be taken to help settle the dispute. The disputing countries accepted the offer of the Conference and after three weeks of negotiation a protocol of conciliation between Bolivia and Paraguay was signed.<sup>1</sup> With this practical example before them, the delegates set to work to establish a protocol to be used for the peaceful settlement of disputes.

The Fifth Conference at Santiago in 1923 had taken a decisive step toward establishing a machinery of peace in adopting the "Treaty to Avoid or Prevent Conflicts Between the American States" known as the Condra Treaty. By this Treaty, two diplomatic commissions were set up, one in Washington, and one in Montevideo. They were made up of the senior diplomatic representatives of the American States in those capitals.<sup>2</sup> Acting on the request of any signatory state, these two commissions in turn appointed specific commissions that served as agents of inquiry whenever a controversy or dispute arose between two or more states. By the time the Conference met in December, 1929, the Treaty had been ratified by nineteen of the twenty-one nations, all except Argentina and Bolivia.

The Washington Conference adopted a General Convention of Inter-American Conciliation, a General Treaty of Inter-American Arbitration, and a Protocol of Progressive Arbitra-

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<sup>1</sup> New York Times, January 4, 1929, p. 22.

<sup>2</sup> Carlos Davila, "Montevideo Conference Antecedents and Accomplishments," International Conciliation, 300:124, May, 1934.

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In the General Convention the value of the Gondra Treaty was recognized and the commissions were given additional prestige and strength. They were to be commissions of conciliation as well as inquiry.<sup>1</sup> The decisions and recommendations of any commission were made by a majority vote and these decisions and recommendations had to be submitted within six months from the time the commission began its work. The convention was to remain in force indefinitely, but could be terminated by means of a notice given one year in advance, at the expiration of which it was no longer to be in force for the party denouncing the same.

In the General Treaty of Inter-American Arbitration, the "High contracting parties bind themselves to submit to arbitration all differences of an international character which have arisen or may arise between them by virtue of a claim of right made one against the other, which has not been possible to adjust by diplomacy and which are juridical in their nature by reason of being susceptible of decision by the application of the principles of law."<sup>2</sup>

Several of the Republics deemed it desirable to attach reservations to the treaty at the time it was signed. The conference adopted the Protocol of Progressive Arbitration by which "any party to the General Treaty...may at any time

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<sup>1</sup> Scott, op. cit., p. 456.

<sup>2</sup> Ibid., p. 456.

deposit with the Department of State of the United States an appropriate instrument evidencing that it had abandoned in whole or in part the exceptions from arbitration stipulated in the said treaty or the reservation or reservations attached to it thereto."<sup>1</sup>

The agreements of the Washington Conference of 1929, implemented the decisions of the Sixth International Conference of American States which were agreed to in 1928 at Havana. In addition to the re-organization of the Pan American Union, the Codification of international law, and the establishment of compulsory arbitration, the Havana Conference recognized the necessity of a good system of transportation and communication between the various nations. Perhaps one of the most important agreements was a convention on commercial aviation that paved the way for the development of this form of communication between the various countries of the Americas.<sup>2</sup> The resolution that the conference had given its full approval to the "initiative for the building of an inter-American highway and to recommend to all Governments...that they cooperate..." is another example of this.

The Sixth Conference authorized the calling of a series of special conferences which, because of the technical character of their subjects or the lack of time, the Conference

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<sup>1</sup> *Ibid.*, p. 462.

<sup>2</sup> "Results at Havana," World's Work, 55:576-7, April, 1928.

itself was unable to discuss.<sup>1</sup> The purpose of all of these conferences was to promote better understanding and cooperation in inter-American relations.

Individually these resolutions and conventions of the Sixth International Conference of the American States and the International Conference of American States on Conciliation and Arbitration seemed unimportant, but taken together they indicated that an impressive procedural machinery was being built. The American Republics entered the decade of the 1930's with less bitterness and hatred for each other. The United States was making efforts to create good will by such acts as sending the popular young hero, Charles A. Lindbergh, as an envoy of good will. Lindbergh visited nearly all of the Latin American countries where he was received in a spirit of friendliness.

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<sup>1</sup> William Manger, "Pan American Union as the Permanent Organ of the International American Conferences," Bulletin of the Pan American Union, 66:270, April, 1932.

### CHAPTER III

#### STRENGTHENING OF THE PEACE MACHINERY

The Seventh International Conference of American States, which convened in Montevideo, Uruguay, from December 3, to December 26, 1933, met in an atmosphere of skepticism, defeatism, and distrust. During the five years since the Sixth Conference, the American Republics again had developed an attitude of resignation and hopelessness. The Conference had been scheduled to meet the year before but had been postponed to allow the Governing Board of the Pan American Union to complete its studies and formulate projects to be considered. Of all the countries present only Mexico had made serious preparation for the conference and Mexico was the only nation that could report she had signed everyone of the pacts that had been set up for mutual understanding and protection.<sup>1</sup>

Although the Conference convened under a general atmosphere of hopelessness, there were some favorable factors that worked for harmony and understanding. The personnel of the delegations was of a high caliber and the great majority of the ninety-four official delegates, of whom three were women, was vitally interested in Pan Americanism. The meeting

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<sup>1</sup> Samuel Guy Inman, "New Deal at Montevideo," Nation, 138:97-9, January 24, 1934.



place was outside the "sphere of influence" of the United States in the Caribbean. Also, the government of Uruguay had spent more than \$30,000 for excellent arrangements for the Conference.<sup>1</sup> Another favorable factor was the attitude of President Roosevelt as shown in his announcement of a "good neighbor" policy and in his frank unwillingness to intervene in the current internal dispute in Cuba.

In contrast to the former Conferences, the United States delegation, under the leadership of Secretary of State, Cordell Hull, assumed an inconspicuous role. Its members challenged nothing and spoke infrequently and briefly, though to the point.<sup>2</sup> Leadership was left to the Argentinian delegation headed by Dr. Saavedra Lamas. Mr. Hull and the other United States delegates had been instructed by President Franklin Roosevelt to discuss neither tariff nor currency stabilization. Mr. Hull, thus, became an ambassador of good will and his obvious sincerity, simplicity, and his straightforward method of dealing with those with whom he came in contact had a very definite effect in Montevideo.

Before the Conference met, Dr. Puig Casaurac, Mexico's foreign minister, assembled a group of competent economists and statisticians who produced a series of memorandums embodying proposals for the study of tariffs, debts, currency, and trade

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<sup>1</sup> New York Times, July 9, 1933, p. 17.

<sup>2</sup> Bemis, op. cit., p. 271.



agreements.<sup>1</sup> These proposals were referred to the Third Pan American Financial Conference which was to meet in Santiago, the date of the meeting to be determined by the government of Chile. Among the problems to be discussed were the creation of an Inter-American Organization of Economic and Financial Cooperation, and the establishment of an autonomous Inter-American Bank. Since this conference was never convened by the government of Chile, the work was left for later conferences.

The recommendation was made to the Governing Board of the Pan American Union that it consult the governments of the American Republics for topics to be included on the agenda of the next conference. For the first time it was proposed to admit observers from Spain, Portugal, and the League of Nations to the sessions of the Conference. Action on this was left to the next meeting.

The principal achievement of the Conference was the coordination and strengthening of the Inter-American peace machinery. Before the Montevideo Conference opened, all of the Latin American States, except Argentina and Bolivia, had ratified the Gondra Treaty of 1923, but less than half of them had ratified the Arbitration and Conciliation Treaties of 1929.<sup>2</sup> In an effort to establish a standard method of proce-

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<sup>1</sup> Herbert Herring, "Pan Americanism, New Style?" Harper's, 168:688, May, 1934.

<sup>2</sup> Graham H. Stuart, Latin America and the United States (New York: D. Appleton-Century Company, 1943), p. 23.

dures for the settlement of disputes, Dr. Lamas had drafted a Latin American anti-war pact modelled upon the Pact of Paris. In this resolution wars of aggression were outlawed and nations were compelled to settle disputes by legal means, and the Hoover-Stimson doctrine of nonrecognition of territorial changes brought about by force was accepted. The United States representatives not only permitted the resolution condemning intervention to be introduced, but voted for it, and Secretary Hull pledged that the Roosevelt administration would never intervene in the internal affairs of any country in the western Hemisphere. When Hull declared that the administration had no intention of "getting behind the international bankers to help them collect their debts and that it disassociated itself from high finance", he entered still further into the affection and admiration of the Latin Americans.<sup>1</sup>

The Peace Code, which was presented by the Mexican delegation and was adopted by the Seventh Conference, was to be sent through the channel of the Pan American Union for the consideration of the members. In the first part of the Code, the general principles were given, such as condemning and defining wars of aggression. The nations also agreed not to use force to collect debts. The signatory parties agreed that if a conflict arose among them, they would appeal to the Permanent Commission of Conciliation to arbitrate, or to the Inter-American Court of Justice. If the Commission of Conciliation

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<sup>1</sup> Inman, "New Deal At Montevideo," op. cit., p. 98.

presented a decision on which the disputing countries could not agree, they could appeal to arbitration or to the Court. The International Commission of Conciliation was created consisting of one representative from each of the twenty-one republics who were elected by the International Conference of American States from a list compiled by the Pan American Union from five names that each country submitted to it. The conciliation procedure would go into action at the request of one of the disputing parties or by the initiative of the commission. If arbitration failed, the procedure should be as follows: each party was to appoint two arbitrators, one of which could be of its nationality, and these could be chosen from among members of the Governing Board. The arbitrators would elect a fifth member who would preside over the tribunal, but if there was a disagreement over the fifth arbitrator, the Governing Board of the Union would designate him. The deliberations of the Tribunal would be private and remain secret. Each of the litigating nations would pay its own expenses and an equal share of the expenses of the Tribunal.

The last section of the Code concerned itself with the American Court of International Justice. The Court was to be composed of one member from each contracting party, appointed by them. The court would convene and continue to serve during the time deemed necessary to dispose of the cases pending. With a view to providing for the peaceful settlement of disputes when other methods failed, any State or States could

offer its "good office or mediation" to other States that might be engaged in a controversy threatening or rupturing their peaceful relation.<sup>1</sup>

The procedure for settling disputes received an immediate test. Bolivia and Paraguay were engaged in an armed conflict over Northern Chaco. The other nineteen members of the Union informed them that they would not recognize any territorial arrangement resulting from the controversy which had not been obtained by peaceful means. It was not until June 14, 1935, that an armistice was reached. The boundary line question was submitted to the arbitration of the presidents of six nations who announced their decision in 1938, which was acceptable to both nations.

The Seventh International Conference devoted considerable time to the social problems of all which helped to establish better relationships. One of these was for the civil and political rights of women. The United States delegation stated that it was not prepared to endorse the treaty that established equality of political rights for women. However, a section on the rights of women was incorporated in the Final Act.

A broad economic program was introduced and discussed fully. The Governments of the American Republics agreed to undertake the reduction of high tariff barriers through negotiation of comprehensive bilateral reciprocity treaties based

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<sup>1</sup> The International Conference of American States, First Supplement, 1933-1940 (Washington: Carnegie Endowment for International Peace, 1940), p. 59.

upon mutual concessions. The subscribing governments agreed on "the most-favored-nation clause in its unconditional and unrestricted form, to be applied in all types of control of international trade...".<sup>1</sup>

The Montevideo Conference closed with a different atmosphere than it had at the beginning. Pan Americanism took on new meaning, and new understanding and new appreciation of each other was growing among the peoples of the various countries. The United States not only said it had a "good neighbor" policy but in the years immediately following began to prove it. The Montevideo Treaty was ratified in 1934, and in the same year the Platt Amendment came to an end, and with this the recognition of the Cuban government. The last Marines stationed in Latin America were withdrawn two years before required by treaty. Also a treaty was made with Panama which gave up the protectorate rights obtained in 1903, and the full independence of Panama was recognized.

On January 30, 1936, six months after Bolivia and Paraguay declared an armistice, President Franklin Roosevelt sent a letter to each of the American Republics proposing the convocation of a conference to meet in Buenos Aires. The purpose as stated in the letter was to advance the cause of world peace.<sup>2</sup> The Governing Board approved the program which included such items as organization of peace, neutrality,

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<sup>1</sup> Ibid., p. 22.

<sup>2</sup> Ibid., p. 130.



limitation of armaments, juridical problems, economic problems, and intellectual cooperation. The Inter-American Conference For the Maintenance of Peace consequently met in Buenos Aires, December 1 to December 23, 1936, with Dr. Carlos Saavedra Lamas, Foreign Minister of Argentina, as chairman.

Building on the foundation laid at Montevideo, the Buenos Aires Conference carried forward the work of strengthening and perfecting the structure of peace in the Western Hemisphere. The Conference had plenty of material with which to work. There were four treaties that had been adopted by previous conferences for the purpose of maintaining peaceful relationships. These were the Gondra Treaty of 1923, the General Treaty of Inter-American Arbitration of 1929, the General Convention of Inter-American Conciliation of 1929, and the Anti-War Treaty of Non-Aggression and Conciliation (sometimes known as the Saavedra Lamas Pact) of 1933. These had been ratified with varying degrees of enthusiasm and unanimity but not one had been ratified by all of the Republics. Not one of them provided any effective and continuing instruments for giving effect to arbitration and conciliation promised by their articles.<sup>1</sup>

The Secretary of State of the United States, Cordell Hull, made a very simple proposal which was incorporated into the Final Act. He suggested that all of the American Republics ratify immediately the existing treaties, and he charged the

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<sup>1</sup> Herbert Herring, "Exit Monroe Doctrine," Harper's, 174:454, April, 1937.



group with the task of integrating and articulating the treaties and of breathing life into them.<sup>1</sup> The Conference adopted the Convention for the Maintenance, Preservation, and Reestablishment of Peace, which stated in Article I that if the peace of the American Republics was menaced, the governments would consult together for the purpose of finding and adopting methods of peaceful cooperation. All of the American nations would consider as an attack upon themselves individually any attack which may be made upon another. By July 1, 1940, seventeen of the Republics had deposited ratifications of the Convention. In an additional Protocol relative to non-intervention, the nations declared inadmissible an intervention of any one of them, directly or indirectly and for whatever reason, in the internal or external affairs of any of the others.<sup>2</sup>

Very few new ideas of methods were incorporated in the conventions, protocols, and treaties for the procedure of maintaining peaceful relationships, but the Buenos Aires Conference was important in that it made a number of proposals which would help make effective the existing treaties. For example, each nation was given the responsibility to educate and organize its people in opposition to war and its underlying causes.<sup>3</sup> Also, a convention was signed on the Inter-

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<sup>1</sup> Ibid., p. 455.

<sup>2</sup> Ezequiel Padilla, Free Men of America (Chicago: Ziff-Davis Publishing Company, 1945), p. 34.

<sup>3</sup> Cordell Hull, "Plan for Peace," Review of Reviews, 95: 78-9, January, 1957.

American exchange of publications, which by 1941, had been ratified by twelve nations, who were supplying each other with their publications.<sup>1</sup> The reciprocal trade agreements launched at Montevideo were given fresh encouragement. Another of the proposals was to establish once and for all the principle of sanitary zones, instead of penalizing whole countries.

The Inter-American Conference for the Maintenance of Peace could be summed up as the attempt to say in concert what the Monroe Doctrine had said in solo. A Brazilian delegate said this in summary: "The United States at last has joined the Pan American family! Now we can do something and we are going to do it..."<sup>2</sup>

The Sixth International Conference of American States and The Inter-American Conference for the Maintenance of Peace drew the twenty-one American Republics into closer harmony, mutual respect, and good will than had ever been possible before. This was especially fortunate and encouraging because during the same time tension, fear, and distrust were growing in Europe and Asia.

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<sup>1</sup> Donald Dozer, "New Social Pan-Americanism, Hope of Democracy," Catholic World, 153:450, July, 1941.

<sup>2</sup> "Good Neighborhood," Time, 29:13, January 4, 1937.

## CHAPTER IV

### REAFFIRMING AMERICAN PRINCIPLES

The Eighth International Conference of American States met in Lima, Peru, December 9 to December 27, 1933. Since the Conference of two years before at Buenos Aires, Europe had received a diplomatic shock of unprecedented force. At the meeting in Lima only three months after Munich, the American Republics were far more conscious of an impending crisis in Europe than they had been two years previously. Now, for the first time, the genuine need for a solid inter-American society was recognized by all. The primary objective of the Lima Conference was to carry forward the work started at Havana, Montevideo, and Buenos Aires of strengthening and perfecting the structure of peace in the Western Hemisphere. The problems that were discussed may be divided into two general classifications: those that had been perennially discussed since 1826, and those that were presented by the war.

By 1933, only nine of the American nations -- the United States, Chile, Argentina, Colombia, Costa Rica, Mexico, Nicaragua, Panama, and Uruguay -- could be defined as states under popular rule. The other twelve "democracies" represented at Lima had governments of as many different shades of oligarchy and totalitarianism as there were colors in their flags.<sup>1</sup>

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<sup>1</sup> "At Lima," Time, 32:15-16, December 19, 1933.

The Lima Conference differed from previous conferences in that no treaties or conventions were signed.<sup>1</sup> However, the conference adopted 112 resolutions for the promotion of better inter-American relations.

The most important accomplishment of the Eighth International Conference was the adoption of the Declaration of the Principles of Solidarity of America, or the Declaration of Lima. It seemed to represent, as far as a democratic assembly could with such widely differing national interests, the common ideal of the continent. The preamble recited the tenets for which the American States were prepared to stand and the Declaration itself stated what the nations would do about those principles.

One of the principles stated in the preamble was "that respect for the personality, sovereignty, and independence of each American State constitutes the essence of international order sustained by continental solidarity, which historically has been expressed and sustained by declarations and treaties."<sup>2</sup> The Declaration reaffirmed continental solidarity and "their purpose to collaborate in the maintenance of the principles upon which the said solidarity is based".<sup>3</sup> The American States agreed to defend these principles and their absolute

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<sup>1</sup> Elizabeth Enochs, "Echoes of the Lima Conference," Survey, 75:39-40, February, 1939.

<sup>2</sup> First Supplement, op. cit., p. 308.

<sup>3</sup> Loc. cit.

sovereignty against all foreign intervention or activity that might threaten them. In case the peace, security, or territorial integrity of any American Republic was threatened, their common concern would be to make effective their solidarity by means of the procedure of consultation established by the treaties, conventions, and declarations that were still in force. In all matters the juridical equality as sovereign states would be recognized.

In order to facilitate the consultation established by this and other peace instruments, there should be meetings of the Ministers of Foreign Affairs which could be called whenever deemed desirable. If a Foreign Minister could not attend, his government should appoint a representative as a substitute for him. Also, there was a resolution which stated that the representatives of the treasuries of the various countries should hold meetings at least once a year for the discussion of questions of mutual interest.

In compliance with this and the action of the Governing Board of the Pan American Union, the First Meeting of the Treasury Representatives met in Guatemala City on November 13, 1939. The program for the meeting had been formulated by the government of Guatemala and contained such problems as monetary, foreign exchange, and banking policies. Much of the discussion was centered around methods of putting into effect principles, declarations and recommendations adopted by the Montevideo, Buenos Aires, and Lima Conferences. No formal



declarations or conventions resulted, but a number of recommendations were made that were very valuable for future conferences.

Another achievement of the Lima Conference was the adoption of the Declaration of the American Principles. The Republics thought it advisable to restate and reaffirm those principles that they regarded as essential in the preservation of world order and in the maintenance of peace with justice. These principles were:<sup>1</sup>

1. The intervention of any State in the internal or external affairs of another is inadmissible.

2. All differences of an international character should be settled by peaceful means.

3. The use of force as an instrument of national or international policy is proscribed.

4. Relations between States should be governed by the precepts of international law.

5. Respect for and the faithful observance of treaties constitute the indispensable rule for the development of peaceful relations between States, and treaties can only be revised by agreement of the contracting parties.

6. Peaceful collaboration between representatives of the various States and the development of intellectual interchange among their peoples is conducive to an understanding by each of the problems of the other as well as of problems common to all, and makes more readily possible the peaceful adjustment of international controversies.

7. Economic reconstruction contributes to national and international well-being, as well as to peace among nations.

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<sup>1</sup> "Eighth International Conference of American States," International Conciliation, 349:147, April, 1939.

8. International cooperation is a necessary condition to the maintenance of the aforementioned principles.

In addition to the Declaration of the American Principles which dealt primarily with inter-American relations, the twenty-one republics agreed that if any attack by a foreign power was directed against any one of their number, they would all stand together. The procedure that would be taken was left to the consultation of the Foreign Ministers.

Many problems presented to the conference were submitted for further study to different bodies, committees, or commissions. These included a constitution of an American Association or League of Nations, the organization of an American Court of International Justice, the definition of an aggressor, the perfection and coordination of existing peace instruments, and the methods for the preparation of multilateral treaties.<sup>1</sup>

Another significant result of the Lima Conference was that while machinery to settle disputes was being perfected, the Pan American Union was given new functions which made it run parallel to the consultation process. The Governing Board now directed its attention almost exclusively to matters that united the American Republics rather than be concerned with disputes that arose between them.<sup>2</sup> In keeping with this

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<sup>1</sup> Ricardo J. Alfaro, "The Future of Inter-American Relations," Annals of the American Society of Political and Social Science, 204:144, July, 1939.

<sup>2</sup> L. S. Rowe, "Pan American Union and the Pan American Conference," Bulletin of the Pan American Union, 74:198, April, 1940.

idea of uniting the American Republics, more than half of the resolutions adopted at Lima were related to the "moral disarmament", that is, the attempt to get rid of prejudice and to promote better understanding.

Economic conditions and trade relations also had their place at Lima. The reciprocal trade program had been so popular in Latin America that it was endorsed as a means of achieving hemispheric solidarity. The principle of freedom of economic intercourse was established as essential for the maintenance of peace.

In the words of Secretary Hull this was the accomplishment of the Eighth International Conference of the American States:<sup>1</sup>

...that the American Republics have made it clear to the world that they will stand united to maintain and defend the peace of the hemisphere, their territorial integrity, their principles of international relations, their own institutions and policies.

In less than a year after Lima, the procedure for consultation developed by the Buenos Aires and the Lima Conferences was called into use. The Foreign Ministers of the American Republics met for their first consultative meeting in Panama, September 23 to October 3, 1939, to consider a common policy in regard to the war in Europe. The meeting was important because it demonstrated in a moment of grave

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<sup>1</sup> Press Release, United States Department of State, Vol. XX, No. 485, January, 1939, p. 33.

world emergency, the genuine understanding and solidarity which existed between the American States.<sup>1</sup> Also, it was important because it gave practical proof of the efficiency of the peace machinery. There were four significant agreements reached, the Resolution on Economic Cooperation, Joint Declaration of Continental Solidarity, General Declaration of Neutrality of the American Republics, and the Declaration of Panama.

The Resolution on Economic Cooperation created an Inter-American Financial and Economic Advisory Committee composed of an expert designated by each American Republic. With headquarters in Washington, it would start functioning not later than November 15, 1939. This committee would consider any problem of monetary relationships, foreign exchange management, or balance of international payment situation, that would be presented to it by any one of the governments. The committee would study the problems and recommend to the American Governments measures that would best protect American commercial and financial relations.<sup>2</sup> As soon as a study was completed, the committee would send the results with its recommendations to each of the governments. The committee was in continuous session enabling it to consider new conditions as they arose. Also, agreements of American nations could be referred to it for action and the committee's recom-

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<sup>1</sup> Sumner Welles, "Statement Upon his Return from Panama," International Conciliation, 356:5, January, 1940.

<sup>2</sup> "Final Act," International Conciliation, 356:14-15, January, 1940.



mendations could be sent to the American governments without delay.

The second of these outstanding agreements was the Joint Declaration of Continental Solidarity in which the declaration of solidarity, as proclaimed by the Eighth Conference, was reaffirmed. The Foreign Ministers were endeavoring to strengthen peace and harmony among the Republics.

The third was the General Declaration of Neutrality of the American Republics in which each state, in its individual and sovereign capacities, reaffirmed general neutrality and set forth the standard of conduct to be followed as neutral powers. These included the prevention of their respective "terrestrial, maritime, and aerial" territories from being utilized as bases of belligerent operations. Also, they were to prevent the enlistment of their nationals in the military forces of the belligerents. Not more than three belligerent warships would be admitted to a port and in no case were they to be allowed to remain for more than twenty-four hours.<sup>1</sup> The Pan American Union was given the power to create an Inter-American Neutrality Committee composed of seven experts in international law which was to make recommendations concerning problems of neutrality. These recommendations were to be transmitted through the Pan American Union to the governments.

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<sup>1</sup> Ibid., p. 19.



The fourth, the Declaration of Panama, was based upon two simple principles. First, that as long as the twenty-one republics maintained their neutrality, a war in Europe in which they were not involved should not jeopardize their right to self protection nor interfere with normal relationships between the American nations. The second principle was that the waters adjacent to the American continents should be free from any hostile act by any non-American belligerent nation, whether such hostile act be made from land, sea, or air. The neutrality zone was carefully defined, and the nations agreed to patrol, either individually or collectively, the water adjacent to their coasts. It was requested that the President of the Republic of Panama transmit the Declaration of Panama to the belligerent governments involved in the European War.

In addition to the four significant agreements, the Foreign Ministers recommended to their governments that they send to the Union the text of all decrees and regulations approved by each country relative to its neutrality. The Union would then inform the other countries of the action.

The Foreign Ministers declared that if any geographic region of America, subject to the jurisdiction of a non-American State, should change its sovereignty, a consultative meeting, such as the one at Panama, should be convoked immediately. The agreements reached at the Lima and Panama Conferences represented the view points of every American government and each had made its contribution toward a united front.

A summary of the foregoing events revealed that by 1940, the American Republics had established a strong procedural machinery as provided by treaties, conventions, and declarations for the settlement of disputes. The first of these was the Gondra Treaty of 1923 which set up two diplomatic commissions, one in Washington and one in Montevideo. These served as agents of inquiry whenever a controversy or a dispute arose between two or more states. By the General Convention of Inter-American Conciliation of 1929 these commissions were strengthened and given conciliation power. In the General Treaty of Inter-American Arbitration of 1929 the American nations agreed to submit to arbitration all differences of an "international character".

The procedural machinery was strengthened further by the American Anti-War Treaty on Non-Aggression and Conciliation of 1933, which outlawed wars of aggression and compelled nations to settle disputes by legal means. In the Peace Code, also adopted in 1933, the nations agreed not to use force in collecting debts but to appeal to the Permanent Commission of Conciliation for Arbitration or to the Inter-American Court of Justice.

Beginning in 1936, the American nations considered an attack by a non-American power upon anyone of them as an attack upon all of them. It was agreed that consultation for the purpose of finding and adopting methods of peaceful cooperation be utilized. Also, a protocol outlawed intervention by

one nation, directly or indirectly for any reason, in the internal or external affairs of another. In order to facilitate consultation there were to be meetings of the Foreign Ministers of the American Republics whenever desirable. At their first meeting in 1939, the Foreign Ministers created an Inter-American Neutrality Committee and outlined the neutrality zone in order to protect the western hemisphere.

Parallel to this peace machinery, the Pan American Union was growing and becoming very important. The Bureau of the American Republics, the first organization of the American States, had been created in 1890. Its purpose was to collect and publish information which would contribute to a better understanding among nations. In 1910, the Bureau had been changed to the Pan American Union. The administration of the Union was placed in the hands of the Governing Board, consisting of the Secretary of State of the United States as chairman and the diplomatic representatives of the Latin American States who were accredited to Washington. In 1923, the chairmanship was made elective and in 1928, it was provided that the members of the Board could be appointed by their governments. At Havana, the Governing Board was further reorganized, in that it was empowered to appoint a Director General who would be responsible to the Board for the operation of the Union. The Board was given the authority to create whatever divisions or sections that were necessary to carry out its functions. One of the new duties of the Board was to act as a depository for

the ratifications of conventions signed at the Conferences. These International Conferences were to meet at periodic intervals and no longer than five years was to elapse between them.

In 1933, the duty of preparing the agenda for the International Conferences was given to the Union. Three years later its duties were so many and so varied that it was found impossible to carry on the work with the limited budget. By the time of the fiftieth anniversary of the Union in 1940, its duties and functions were limited to those which would bring the Republics into closer harmony. The peace machinery with its various agencies now functioned to maintain peace and settle disputes in the Western Hemisphere.

The codification of international law was another method used by the American Republics to create inter-American solidarity. The International Commission of Jurists continued to function since its first meeting in 1912. The Bustamante Code presented in 1928 was the real beginning of a unified procedure of handling matters of a judicial nature. At each successive conference a little was gained and in 1940 the Commission was a strong organization which was continuing the work of gradual and progressive codification of international law.

It was impossible to ignore the economic and financial conditions and their effects on inter-American relations.

However, it was not until the Montevideo Conference of 1933 that economic conditions received any consideration at an international conference. The reciprocal trade treaties made under the direction of Cordell Hull became so popular that economic stabilization was considered essential to international well-being. The Financial and Economic Advisory Commission was created by the Foreign Ministers at their First Meeting in Panama in 1939. This committee was just beginning to function when the war that had been confined to the old world reached the new.

Thus, inter-American solidarity might be attained by utilizing the procedures for maintaining peace, for settling disputes, for defense and international cooperation, and by appreciation of the cultural contributions of the twenty-one Republics. Strength and weakness were revealed when the procedures were applied to meet the problems caused by the war.



## CHAPTER V

### WARTIME APPLICATION OF THE AMERICAN PRINCIPLES

In compliance with a resolution of the Panama meeting, the Second Meeting of Ministers of Foreign Affairs of the American Republics For Consultation under the Inter-American Agreements of Buenos Aires and Lima met in Havana from July 21 to July 30, 1940. The Conference was convened to meet an anticipated threat of Nazi aggression in the Western Hemisphere. In an address made by Cordell Hull at the beginning of the Conference, he stated the purpose was "to devise concrete measures by which a number of pressing problems may be met. Our objective is to safeguard the independence, peace, and well-being of the American Republics".<sup>1</sup> The problems discussed by the Foreign Ministers may be divided into three main parts: neutrality, maintenance of peace, and economic cooperation.

Most of the problems regarding neutrality were referred to the Inter-American Neutrality Committee which had been created by the First Meeting of the Foreign Ministers and which was functioning in Rio de Janeiro. The Committee was made more authoritative and was given the duty of drafting an Inter-American Convention which would cover completely the principles and rules generally recognized in international law in matters

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<sup>1</sup> Cordell Hull, "Address," International Conciliation, 262:263, September, 1940.

of neutrality. This proposal would be deposited with the Pan American Union which would then submit it to the governments for ratification. The Conference recommended that the important minutes of the Rio Committee be published in the Bulletin of the Pan American Union in order to keep all informed of the progress.

The Rio Neutrality Committee had been very active during 1940 and had formulated and submitted to the Pan American Union recommendations concerned with the security zone and belligerent vessels. These became the bases of many regulations passed by the Republics.

In 1941, the Neutrality Committee formulated a recommendation on the "Treatment of Crews of Merchant Ships Suspected of Sabotage". In this, precautionary measures were suggested for the handling of crews removed from merchant ships of the belligerents.<sup>1</sup>

At Havana the Foreign Ministers asked for the opinion of the Rio Committee on the extension of territorial water. As a result the Committee proposed that the formal and permanent sovereignty of each American nation be extended to a distance of twelve miles from the shore. The Conference also made a recommendation to coordinate police and judicial measures for

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<sup>1</sup> Lois Turner, "The Second Meeting of the Ministers of Foreign Affairs of the American Republics, Havana, Cuba, July 21-30, 1940," (Unpublished manuscript in the author's possession.)

the maintenance of neutrality.

The next main topic for discussion was the maintenance of the peace. After the fall of France and The Netherlands, it was feared that Germany might claim their possessions in the Caribbean. To meet such an emergency, a Declaration, known as the Act of Habana (Havana), and a Convention Concerning the Provisional Administration of European Colonies and Possessions in the Americas were adopted. The Act of Habana provided that when territories in the Americas, which were in possession of a non-American state, were in danger of a change of sovereignty, the American Republics would set up a provisional administration. Also, provision was made for the people in these territories to determine their own destiny at the termination of the emergency. They could either be organized as self-governing states or return to their original owners on the condition that this would not endanger the common safety.

An emergency committee composed of one representative from each Republic was created and would meet upon request of any signatory nation. The Committee was to function until the convention was ratified and then the functions would be transferred to the organization set up by the convention. The Act made specific exceptions for regions which were subject to dispute between an American Nation and a non-American one. Should the need for emergency action be so urgent that it was impossible for the committee to function, the American Repub-

lices individually or jointly, had the right to take action necessary for their own and the continental defense. Then, the committee must be called immediately "in order that it may consider that action taken and adopt appropriate measures".<sup>1</sup>

In the Convention, the Inter-American Commission for territorial Administration was established. It was composed of one representative from each country that ratified the Convention. The Commission was authorized to establish a provisional government in the disputed territory, always considering the wishes of the citizens of that territory.

Furthermore, in the matter of maintenance of peace, the Foreign Ministers recommended to the Governing Board that it organize a committee of representatives of five countries. This committee was to report to each meeting of the Foreign Ministers and to each International Conference of the American States regarding the status of conflicts between American States and the steps which had been taken to settle the dispute.

In the declaration on the procedure for consultation, it was resolved that the government which initiated consultation would present to the Governing Board items for the agenda. This would then be submitted to the Republics for approval.

The third major problem of the Conference was economic

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<sup>1</sup> First Supplement, op. cit., p. 365.

and financial cooperation. The Inter-American Financial and Economic Advisory Committee, which had been established according to a Resolution of the Panama meeting, was strengthened and expanded as an instrument for consultation on economic and trade matters. One of its duties was to encourage new lines of production in Latin America which were likely to find a market in the United States or elsewhere.

The Convention to establish the Inter-American Bank was drafted by the Inter-American Financial and Economic Advisory Committee and was open to signature on May 10, 1940. The Bank would go into operation when ratification of the convention had been deposited by at least five nations which had agreed to subscribe for not less than 145 shares of stock.<sup>1</sup> The Bank was given a charter by the United States and to participate in the Bank, each government must subscribe for a minimum number of shares. By July, 1942, nine states had signed the convention but none had deposited the ratifications.<sup>2</sup>

Other economic discussions included the study of methods to improve living standards, including public-health measures and relief, and the distribution of surplus commodities. Another recommendation of the Conference was for the Financial Committee to draft plans for financing the construction of the Pan American Highway.

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<sup>1</sup> First Supplement, op. cit., p. 456.

<sup>2</sup> Bemis, op. cit., p. 355.



When the Conference adjourned, the procedure for establishing and maintaining peace and security was enriched. The principles of the Monroe Doctrine were now incorporated into multilateral documents.

From the close of the Second Meeting of Foreign Ministers to the opening of the Third meeting there were several Conferences to promote better understanding and good will among the American Republics. One of these was the Second Pan American Conference on Intellectual and Cultural Cooperation which met in Havana in November, 1941. Provision had been made for this conference by a resolution of the Havana Conference of 1940. It pledged support to democracy and freedom and the promotion of mutual understanding through cultural exchanges. A resolution was passed urging that the American Republics abolish duties on books and printed matters from country to country and set up inexpensive postal rates on them. It was recommended that educational films be made available at small costs.<sup>1</sup>

Other action was also being taken in the attempt to strengthen hemispheric solidarity. A good example was the Office for the Coordination of Commercial and Cultural Relations Between the American Republics that was established on August 10, 1940, by the United States Council of National Defense. This Office worked on the principle that there should be no promotion of cultural unity under the domination of any

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<sup>1</sup> John H. Furbay, "The Havana Conference Lays Plans for Cultural Cooperation," School and Society, 54:623, December 27, 1941.

of the republics.<sup>1</sup>

Another special conference was the Inter-American Maritime Conference which convened in Washington in November, 1940. This prepared the way for taking over interned German, Italian, and Danish ships to be utilized in inter-American trade.<sup>2</sup>

The supreme test of the inter-American solidarity came with the Japanese attack on Pearl Harbor, December 7, 1941. The Republics had previously decided that an attack on the sovereignty of one of them would be considered as an act of aggression against all of them. The world watched to see what the reactions of the Latin American countries would be. Had the Good Neighbor Policy been successful in strengthening inter-American relations? By December 10, nine states (Nicaragua, Honduras, El Salvador, Guatemala, Haiti, the Dominican Republic, Panama, Costa Rica, and Cuba) had declared war on Japan and in a few days they broadened their action to include Germany and Italy. By December 31, Mexico, Colombia, and Venezuela had broken diplomatic relations with the Axis powers.<sup>3</sup>

Two days after the attack on Pearl Harbor, the Minister of Foreign Affairs of Chile addressed a communication to the chair-

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<sup>1</sup> Nelson A. Rockefeller, "Hemisphere Solidarity," Survey Graphic, 30: 134, March, 1941.

<sup>2</sup> Bemis, op. cit., p. 369.

<sup>3</sup> David M. Hopper, "Rio de Janeiro Conference of 1942," Foreign Policy Report, 18:27, April 15, 1942.

man of the Governing Board of the Pan American Union requesting that the other American governments be consulted with reference to the advisability of convening a Third Meeting of the Foreign Ministers. The next day the government of the United States proposed to the Director General that a Third Meeting be held in Rio de Janeiro during the first week in January.<sup>1</sup> The procedures that had been established for consultation were now being applied.

The Third Meeting of the Foreign Ministers of the American States met in Rio de Janeiro from January 15 to January 29, 1942, to consult about the actions to be taken as a result of the act of aggression against one of the Republics. The agenda included two major topics: protection of the Western Hemisphere and economic solidarity. The Conference, upon assembling, was organized into two committees to discuss these topics, and all twenty-one delegates were members of each committee. The defense committee immediately set up two sub-committees and the one on economic affairs set up five.

The first act of the Foreign Ministers in their Third Meeting was to reaffirm their solidarity and determination to cooperate "jointly for mutual protection". Therefore:<sup>2</sup>

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<sup>1</sup> L. S. Rowe, "Third Meeting of the Ministers of Foreign Affairs of American Republics," Bulletin of Pan American Union, 76: 185, April, 1942.

<sup>2</sup> "Final Act of the Third Meeting of the Ministers of Foreign Affairs of the American Republics," International Conciliation, 378: 105, March, 1942.

The American Republics, in accordance with the procedures established by their own laws and in conformity with the position and circumstances obtaining in each country in the existing continental conflict, recommend the breaking of their diplomatic relations with Japan, Germany, and Italy, since the first mentioned State attacked and the other two declared war on an American country.

As a result of this recommendation all of the Latin American Republics, with the exception of Argentina and Chile, who had not already done so, severed diplomatic relations with Japan, Germany, and Italy.<sup>1</sup>

The meeting then considered vital problems brought about by the extension of the war to the Western Hemisphere. Just as at the Lima Conference no treaties or conventions were signed at Rio. The resolutions and declarations may be divided into three main categories: inter-American political cooperation for the conduct of the war; reiteration of old principles of inter-American solidarity and formulation of new principles; and inter-American economic collaboration.<sup>2</sup>

The articles on political cooperation included the establishment of "The Emergency Advisory Committee for Political Defense". The Committee was composed of seven members appointed by the Governing Board of the Pan American Union. It was to study and coordinate measures to be used in the control of subversive activities.<sup>3</sup> The Committee whose permanent seat and secretariat were in Montevideo, held its

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<sup>1</sup> Harry B. Murkland, "Rio de Janeiro Conference Results," Current History, 2: 54, March, 1942.

<sup>2</sup> Bonis, op. cit., p. 374.

<sup>3</sup> "Final Act of Third Meeting of the Ministers of Foreign Affairs," op. cit., p. 123.

first meeting on April 15, 1942.<sup>1</sup>

The Conference also made a recommendation for an Inter-American conference on the Coordination of Police and Judicial Measures to be convened in Buenos Aires in May, 1943. This Conference was to study the possibility of broadening the South American Police Convention that had been signed in Buenos Aires in 1920 so that its provisions could be applicable to all countries of the continent. Another agreement called on the Governments to coordinate their national intelligence and investigation services. They would each provide adequate personnel for the inter-American exchange of information, and for investigation of suggestions for prevention, repression, punishment, and elimination of such activities as espionage and subversive incitement which endangered the safety of the American nations.

Again the American nations condemned all inter-American conflicts and agreed to use the peace machinery that had been established by former conferences. It was during this Conference that a final settlement of the 125 year old boundary dispute between Peru and Ecuador was settled.<sup>2</sup>

The Governing Board of the Pan American Union was requested to ask the non-American States which possessed territories in the Americas to eliminate the future use of them for penal colonies. Also, the Ministers formulated a resolution concerning the humanization of war and condemning the

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<sup>1</sup> Bemis, op. cit., p. 374.

<sup>2</sup> Markland, op. cit., p. 58.



practice of holding prisoners as hostages and taking reprisals on them.

The Foreign Ministers adopted a number of resolutions reiterating the old principles of inter-American solidarity. One provided in the event that the peace and solidarity of America was disturbed by the violation of a treaty by an American Nation, any American State could initiate consultation as set up by the Havana Conference of 1940. Another declaration stated that international conduct should be based on the principles of the good neighbor policy.

The Inter-American Neutrality Committee, which had been established by the Foreign Ministers, in their First Meeting and had been given additional powers in their Second Meeting, was to continue to function under the name of the Inter-American Juridical Committee with headquarters in Rio de Janeiro. Its members would be jurists appointed by their respective governments, and they were to have no other duties than those pertaining to the Committee. The Committee was empowered to call technical experts if it were necessary "for the most efficient performance of its duties".<sup>1</sup> The main duties of the committee were to study and make recommendations on matters such as juridical problems created by the War, on contraband of war, on a code relative to the principles and rules of neutrality, on claims arising from requisitions, on

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<sup>1</sup> "Final Act of the Third Meeting of the Ministers of Foreign Affairs," op. cit., p. 134.

use of immobilized merchant vessels or of those under the flag of a non-American enemy, and on the development and coordination of the work of codifying international law.

The American Nations gave their support to the principles of the "Atlantic Charter". Also, they declared that no American State could be allowed to represent before another American State the diplomatic or other interests of a non-American State. The Republics then engaged in the war would not be considered as belligerents, and the American Republics were to continue their relations with the governments of occupied countries which were fighting for their national sovereignty.

The Conference recognized that the defense of the Western Hemisphere required the mobilization of vital forces, both human and material. The suggestion was made for the nations to utilize the technical aid and advice of the national health service of each country in cooperation with the Pan American Sanitary Bureau. By doing this, adequate health and sanitary measures would be taken which were essential in safeguarding the defensive power and ability to resist aggression.

An Inter-American Defense Board was organized to be composed of military and naval technicians from all of the Republics. The duty of this Board was to make recommendations for defense measures. The Board had its first meeting in Washington, March 30, 1942, and it became the center of diplomatic procedure during the war.

The third main problem discussed by the Foreign Ministers was the procedures to be used in the application of the principles of economic cooperation to meet the conditions brought about by the war. The first act was to find a practical expression of continental solidarity by economic mobilization. This would help secure an adequate supply of basic and strategic material in the shortest time possible. Such mobilization included mining, agricultural, industrial, and commercial activities related to the supply not only of materials for military use but also for civilian needs. In as far as possible, the increase of production would be made by bilateral or multilateral agreements which provided for purchases during long periods of time and at prices which were "equitable for the consumer, remunerative to the producer and which provide a fair standard of living for the workers of the Americas".<sup>1</sup> The other republics were assured by Sumner Welles of United States' aid in furnishing raw materials and finished products. Later in 1942, a list was made public which included twenty-six commodities that the United States expected to make available to the Latin American countries.<sup>2</sup> Effects of these resolutions were noticeable in a few months as the flow of essential material from Latin American countries to the United States increased greatly, especially after a few nations, such as Brazil and Mexico, had taken decisive measures to get rid of

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<sup>1</sup> "Final Act of the Third Meeting of the Foreign Ministers," *op. cit.*, p. 107.

<sup>2</sup> Harry B. Munkland, "Rio de Janeiro Conference Results," *Current History*, 2:55, March, 1942.

### Axis agents and Fifth Columnists.<sup>1</sup>

To carry out its functions, the Inter-American Financial and Economic Advisory Committee was expanded and was empowered to request the American governments to put into execution agreements which they had previously approved. The countries which were able to export vital materials were empowered to establish adequate credit which would facilitate the acquisition of these products by other nations. A price ceiling, which would be the maximum purchase price fixed by an American Republic or one determined by consultation, was placed on products exchanged in America. There were systems of priorities to be set up by the Inter-American Financial and Economic Advisory Committee. These would be based on the statistics which were sent by countries and which related consumer needs to the production of raw materials, foodstuffs, and manufactured products.

In keeping with the attempt to facilitate trade among the Republics, a series of reciprocal trade agreements had been negotiated. By January 1, 1943, sixteen agreements had been signed between Latin America States and the United States and three more were being negotiated.

The Inter-American Financial and Economic Advisory Com-

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<sup>1</sup> James H. Downes, Nathaniel H. Singer, and Donald Becker, Latin American and Hemisphere Solidarity, (Boston: D. C. Heath and Company, 1943), p. 155.

mittee and all other instruments of Inter-American economic cooperation, individually or jointly, were given the duty of improving and supplementing inter-American communication and transportation facilities. This included air, maritime, land, and inland waterways. The Inter-American Maritime Technical Commission, cooperating with the Advisory Committee, was given the specific duty of coordinating shipping between the American Republics. It was to endeavor to expand port facilities and to provide means for rapid repair of damaged ships. Measures were to be taken to minimize expenses at ports of call.

Additional measures recommending the breaking of commercial and financial intercourse between the Republics and the Axis Powers, including territories dominated by them, were made by the Foreign Ministers. This was consistent with the policy of breaking diplomatic relations with these countries. Furthermore, in keeping with the spirit of solidarity and collaboration, economic cooperation should be made through the Inter-American Development Commission and its National Committees.

The Inter-American Financial and Economic Advisory Committee was empowered to convoke a conference of representatives of central banks or their equivalent. The purpose was to provide standard procedures for handling of bank credits, collections, contracts of lease, and consignments of merchandise involving "real or juridical persons" who were nationals of an



aggressor state.

The Foreign Ministers urged the governments, which had not already done so, to sign and ratify the Convention for the establishment of an Inter-American Bank or to study the proposal and submit their decisions immediately. This Convention had been drafted by the Inter-American Financial and Economic Advisory Committee in conformity with a resolution of Foreign Ministers at Panama, but the nations had failed to ratify it. Since the attempt to create an Inter-American Bank proved to be a failure, the Republics had turned to the Export-Import Bank. This Bank had been established in 1934 as an agency of the United States Government to finance the foreign sales of its agricultural and industrial products.<sup>1</sup> Before the outbreak of the war, loans had been made to several Latin American Republics, however, the amounts were small. In 1940, the United States Congress increased the capital of the Bank from \$200,000,000 to \$700,000,000.<sup>2</sup> The object was to assist in the development of the resources, the stabilization of national economy and an orderly marketing of the products of the Western Hemisphere.

In addition to recognition of the problems brought by the war and the attempt to settle them, the Foreign Ministers were aware that there would be many postwar problems. They reiterated the principles of world peace based on respect for law,

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<sup>1</sup> Virginia Prewett, The Americas and Tomorrow (New York: E. P. Dutton and Co., Inc., 1944), p. 173.

<sup>2</sup> John I. B. McCulloch, Challenge To The Americas (New York: Foreign Policy Association, 1940), p. 53.

justice, and cooperation among nations. They requested the Governing Board of the Pan American Union to call an Inter-American Technical Economic Conference which would study the economic problems of the war and postwar periods. The Inter-American Juridical Committee was to formulate recommendations relative to an international organization in the fields of juridical, political, and international security. The Inter-American Financial and Economic Advisory Committee was given similar functions in the economic field. The Pan American Union was to appoint an executive committee to receive the above mentioned proposals and any others submitted by any one of the Republics. These would then be submitted to a Meeting of the Ministers of Foreign Affairs for adoption.

The conclusions of the Third Meeting of the Ministers of Foreign Affairs had been reached by democratic procedures. The meeting was characterized by the freest expression of opinions and by the absence of any attempt on the part of one state to impress its opinions upon the others.<sup>1</sup> This meeting proved to the world that the American Nations were living up to the Declaration of Lima, the Good Neighbor policy, and were united in hemispheric solidarity.

In fulfilling one of the Resolutions of the Third Meeting, the Inter-American Juridical Committee formulated some Preliminary Recommendations. These were submitted to the American

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<sup>1</sup> Rowe, "Third Meeting," op. cit., p. 192.

Governments by the Governing Board of the Pan American Union. In the first part of the document, there were statements of the background of the present conflict and reasons for the failure of the League of Nations. The second part set forth the fundamental principles which should serve as a guide in the restoration of law and order after the war.<sup>1</sup> Since this Committee had been created less than a year before, it lacked time to study and to formulate specific recommendations which would represent the detailed application of the American principles. However, the Committee would continue to function and present a report at a later date.

Three eventful war years elapsed before the next meeting of the Foreign Ministers. Meanwhile, the Latin American diplomats in Washington were becoming indignant. A Pan American Conference was long over due but the United States apparently was afraid of the question of Argentina and the diplomats were afraid of the United States. Argentina continued to trade in large volume and had refused to sever diplomatic relations with Germany. The United States did not want to discuss hemisphere defense with her and hesitated to call a conference because of the problems the situation would bring. The other Latin American Republics watched with growing fear the economic pressure that was being applied by the United States to Argentina.<sup>2</sup> Argentina, whose government had

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<sup>1</sup> "Preliminary Recommendations on Postwar Problems," International Conciliation, 387:119, February, 1943.

<sup>2</sup> "Indignation," Time, 44:38, October 30, 1944.

been recognized by only Chile, Bolivia, Paraguay, Ecuador, had requested the Pan American Union to call a conference of the foreign ministers to judge if its actions had been in compliance with hemisphere and good neighbor obligations.<sup>1</sup> The Pan American Union refused the request at first, but a conference was finally called. The Inter-American Conference on Problems of War and Peace met in Mexico City, February 21 to March 8, 1945. This was a conference of the nations that were cooperating in the war effort; therefore, Argentina was not invited. The two topics which furnished the most discussion were policies regarding Argentina and Inter-American economic conditions, especially those that would result from the shift from war to peacetime production.

The subject of Argentina was not written on the agenda but it could not be ignored. Most of the American Republics disapproved of the Peron-Farrell government, which had seized power in 1944. Yet, many of the Latin Americans were apprehensive of the economic and financial pressure that was being used by the United States against Argentina, and they admired her resistance against this type of intervention. Finally, in the closing session the Conference adopted a resolution which deplored the fact that Argentina had not found it possible to take the steps which would have permitted her participation in the Conference.<sup>2</sup> However, provision was made

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<sup>1</sup> "Furnished Neighborliness," Time, 45:34, January 8, 1945.

<sup>2</sup> Vera M. Dean, Four Cornerstones of Peace (New York: McGraw-Hill Book Co., Inc., 1946), p. 51.



that as soon as Argentina broke relations with the Axis she would be readmitted to the family of American Nations. On March 27, the Government of Argentina declared the existence of a state of war with Japan and Germany and the Final Act of the Mexico City Conference was open to her for signature. Thus, soon after the conference, the twenty-one American Republics were united in the war effort.

One of the main topics on the agenda of the Conference was the discussion of the steps which would strengthen the inter-American system and coordinate it with the United Nations organization. As a result of this discussion, the Foreign Ministers signed the Declaration on Reciprocal Assistance and American Solidarity or the Act of Chapultepec. In this Act the American nations reaffirmed certain fundamental principles which they had been incorporating into their international law since 1890 by the means of conventions, resolutions, and declarations. Among these principles were the following:<sup>1</sup>

The proscription of territorial conquest and the non-recognition of all acquisitions made by force (First International Conference of American States, 1890).

The condemnation of intervention by a state in the internal or external affairs of another (Seventh International Conference of American States, 1933, and Inter-American Conference for the Maintenance of Peace, 1936).

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<sup>1</sup> "Act of Chapultepec," Department of State Bulletin, no. March 4, 1945.



The recognition that every war or threat of war affects directly or indirectly all civilized peoples, and endangers the great principles of liberty and justice which constitute the American ideal and the Standard of its international policy (Inter-American Conference for the Maintenance of Peace, 1936).

The procedure of mutual consultation in order to find means of peaceful cooperation in the event of war or threat of war between American countries (Inter-American Conference for the Maintenance of Peace, 1936).

The recognition that every act susceptible of disturbing the peace of America affects each and every one of them and justifies the initiation of the procedure of consultation (Inter-American Conference for the Maintenance of Peace, 1936).

That any difference or dispute between the American nations, whatever its nature or origin, shall be settled by the methods of conciliation, or unrestricted arbitration or through the operation of international justice (Inter-American Conference for the Maintenance of Peace, 1936).

The recognition that respect for the personality, sovereignty, and independence of each American State constitutes the essence of international order sustained by continental solidarity, which historically has been expressed and sustained by declarations and treaties in force. (Eighth International Conference of American States, 1938).

The affirmation that respect for the faithful observance of treaties constitutes the indispensable rule for the development of peaceful relations between States, and treaties can only be revised by agreement of the contracting parties (Declaration of American Principles, Eighth International Conference of American States, 1938).

That in case the peace, security or territorial integrity of any American republic is threatened by acts of any nature that may impair them, they proclaim their common concern, and their determination to make effective their solidarity, coordinating their respective sovereign wills by means of the procedures of consultation using the measures which in the case the circumstances may make advisable (Declaration of Lima, 1938).

That any attempt on the part of a non-American State against the integrity or inviolability of the territory, the sovereignty or the political independence of an American State shall be considered as an act of aggression against all the American States (Declaration of the Second Meeting of the Minister of Foreign Affairs, 1940).

By the Act of Chapultepec, the American Republics reaffirmed more strongly than ever the cardinal principle, which had recently been violated in fact, but never in theory, that American nations should not intervene in the internal or external affairs of each other. The Act provided that when aggression occurred or was threatened, from within or without the hemisphere, the nations should consult and take jointly whatever diplomatic, economic, or military steps were necessary to repel or prevent the aggression. The procedures, within the "scope of their constitutional powers of general nature and for war", included: recall of the chief diplomatic missions; breaking of diplomatic relations; breaking of the consular relations; breaking of postal, telegraphic, radio-telephonic relations; interruption of economic, commercial, and financial relations; and the use of armed force to prevent or repel aggression. All procedures established in this Act were to become effective immediately. The Act of Chapultepec was limited to matters "appropriate for regional action in this Hemisphere". It stated specifically that "activities and procedures referred to therein shall be consistent with the purposes and principles of the general inter-national organization when established".<sup>1</sup>

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<sup>1</sup> Ibid., p. 184.

The Mexico City Conference adopted The Economic Charter of the Americas, which was more of a statement of good intentions than one of concrete policy. It approved ten general principles: the raising of the standard of living, equal access to raw materials, international commercial policy, private agreements which restrict international trade, elimination of excesses of economic nationalism, just and equitable treatment for foreign enterprises and capital, endorsement of financial and agricultural proposals, private enterprise, international action to facilitate distribution of production surpluses, and fair treatment of labor.<sup>1</sup> Details for carrying out these principles were left to the Inter-American Economic Conference which was to be convened in Washington.

Another accomplishment of the Foreign Ministers at Mexico City was the broadening of the activities of the Pan American Union. As has been referred to previously, the Union had been used primarily as a medium for the exchange of ideas. The Governing Board was empowered to consult "on every matter which affects the effective functioning of the Inter-American system and solidarity and well-being of the American Republics".<sup>2</sup> The Union was given the right to discuss political questions and it was now able to coordinate the numerous semi-independent inter-American bureaus, commissions, institutes, and committees.

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<sup>1</sup> Olive Holmes, "Mexico City Conference and Regional Security," Foreign Policy Reports, 21:51, May 1, 1946.

<sup>2</sup> Ibid., p. 46.

In 1928 at Havana provision had been made for the chairman of the Governing Board to be elected annually. However, in actual practice this office continued to be held by the Secretary of State of the United States. A new resolution was made by the Foreign Ministers which required the office to be rotated among the members of the Board. It also made a different arrangement concerning the members of the Board. It was now impossible for the diplomatic representatives accredited to Washington to be on the Pan American Union Board, but special representatives with the rank of ambassador would be appointed and these members would give full time to the work of the Union.

A number of other proposals were made, such as the one to increase the participation of women in state and interstate social welfare activities, and a plan for inter-American help to the homeless children of Europe. These welfare recommendations could not be dismissed as mere words. Intangible as they might be, they emphasized the growing recognition in the American States of the knowledge that it took more than military and political cooperation to achieve hemisphere solidarity.

The Mexico City meeting was the last inter-American Conference held during the war years. There had been times during the war when all of the American nations had not upheld the principles of inter-Americanism, but with the declaration of war on the Axis by Argentina, recognition was given again to



these principles by all of the Republics. One of the big problems now facing the twenty-one republics was to make their own measures of regional security compatible with the Charter of the United Nations and other international organizations which they had pledged to support.

On the whole, the American Republics had been successful in applying the procedural machinery they had developed for attaining hemispheric solidarity. The relationships between Mexico and the United States, which showed the change of attitude toward each, is a good example of the general change. In 1848, Mexico and the United States were at war with each other; during the First World War, Mexico remained neutral; in the Second World War, the two countries were allies.

Better relationships among the twenty-one American Republics had been achieved by constant effort and cooperation on the part of all the nations working together for their common interests. Cooperation and better understanding were achieved by cultural exchange through the Pan American Union and the procedural machinery which was created and strengthened by the numerous inter-American conferences which had been held.



## CHAPTER VI

### PROCEDURE TO MEET POSTWAR PROBLEMS

In the interval of two and one-half years following the fourth meeting of the Foreign Ministers in Mexico City, several noteworthy events had taken place. The most important one, of course, was the end of the war, which brought a vast number of problems. Another was the coup d'etat which occurred in May, 1947, in Nicaragua, and whose government had not been recognized by a majority of the American governments. Therefore, when the Inter-American Conference for the Maintenance of Peace and Security finally met in Rio de Janeiro from August 19 to September 21, 1947, Nicaragua was not invited. As a result of a similar coup d'etat in Ecuador on August 24, that country withdrew from the Conference, thereby, leaving nineteen Republics to carry on the work of the Conference. This meeting would have been held earlier but the United States had refused to discuss military defense with Argentina even after that country had declared war on Japan and Germany. The United States charged that Argentina was under Fascist influence.<sup>1</sup>

This meeting was within the framework of the United Nations organization, which was attempting to unite the nations

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<sup>1</sup> "Rio Peace Meeting," Newsweek, 30:42, July 14, 1947.

of the world in an organization somewhat comparable to the American system. The purpose of the Conference was to put into permanent form the temporary wartime measures for the defense of the hemisphere, which had been adopted at the Mexico City Conference in 1945.

The United States had carefully limited the Rio agenda to one topic and that was for a mutual defense treaty. The Act of Chapultepec was a series of recommendations for the emergency. Therefore, the Inter-American Treaty of Reciprocal Assistance, which may be called one of collective self-defense, was signed at Rio de Janeiro in 1947 to make the provisions of the Act of Chapultepec permanent. This Treaty established the obligations of the American States in the event of an armed attack, an aggression, or the threat of an aggression against anyone of them emanating from another State, whether American or not.<sup>1</sup>

By this Treaty, the American Nations condemned war and reaffirmed the principle of settling every controversy by peaceful means, with the procedural methods already in force. There was little new or different in this Treaty, but the fact that it was a treaty gave it importance. Also, this Treaty was the first regional development under Article 51, of the Charter of the United Nations which recognized the right of

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<sup>1</sup> "Inter-American Conference for the Maintenance of Continental Peace and Security," Bulletin of the Pan American Union, 81:527, October, 1947.

individual or collective self-defense.<sup>1</sup> Ratifications of the Treaty were to be deposited with the Pan American Union and the Treaty would go into effect between the States which ratified it as soon as the ratifications of two-thirds of the signatory nations had been deposited.

An important resolution of the Conference provided that a special inter-American economic conference be called during the last half of 1948. The date for its meeting was to be fixed at the Ninth International Conference which would meet in Bogota early in 1948. Another resolution proposed that an invitation be issued to Canada to join the Pan American Union. This had been proposed before but this was the first time that an inter-American Conference had made such a recommendation. However, the greater part of the work for establishing procedures to meet postwar problems was left to the Ninth Conference.

The most comprehensive and varied program ever undertaken by a major international conference was undertaken by the Ninth International Conference of American States at Bogota, Colombia, March 30 to May 2, 1948. Although the violent political upheaval in Colombia during the Conference threatened to become a serious obstacle in the completion of the work. The Colombian Government took effective action and the Conference was able to resume its work.

Once again at the Conference all twenty-one of the Republics were present and were represented by able and high-ranking

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<sup>1</sup> Loc. cit.

delegates. There were five treaties or formal agreements made at Bogota. The first of these was the Charter of the Organization of American States. This consolidated and integrated the achievements of a half-century of inter-American cooperation. The first part of the Charter dealt with the nature, purposes, fundamental rights and duties of states, pacific settlement of disputes, collective security, and economic, social and cultural standards. These were for the most part traditional in approach, reaffirming such principles as "international law is the standard of conduct of States...", "an act of aggression against one American State constitutes an act of aggression against all," and "controversies...shall be settled by peaceful procedures."<sup>1</sup>

Finding a name for the "Inter-American System", as it had been called at Mexico City, was one of the first issues to be discussed and the solution was given in Article 1 of the Charter which read:<sup>2</sup>

The American States establish by this Charter the international organization that they have developed to achieve an order of peace and justice, to promote their solidarity, to strengthen their sovereignty, their territorial integrity and their independence. Within the United Nations this Organization of American States is a regional agency.

In addition to the new name and being established as a regional agency of the United Nations, the Charter declared

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<sup>1</sup> "Charter of the Organization of the American States," International Conciliation, 442:419, June, 1948.

<sup>2</sup> Ibid., p. 418.

that "victory does not give rights". This was another one of the new principles which was incorporated along with the reaffirmed ones.

Chapter III of the Charter on the rights and duties of states was for the most part a restatement of the convention on the Rights and Duties of States which had been signed in Montevideo and had been ratified by nineteen states.<sup>1</sup> There were some new principles added, for example, in Article 12 the jurisdiction of States was extended over all inhabitants whether nationals or aliens. Article 16 stated that no State "may use or encourage the use of coercive measures of an economic or political character" to obtain advantages of any kind.

The section on peaceful settlement of disputes was confined to four articles. The first declared that all disputes would be submitted to "the peaceful procedures set forth in this Charter, before being referred to the Security Council of the United Nations".<sup>2</sup> Then the "peaceful procedures" were listed: direct negotiation, good offices, mediation, investigation and conciliation, judicial settlement, arbitration, and those which the parties to the disputes may especially agree upon at any time.<sup>3</sup> The section on collective security reaffirmed the principles already established by former conferences.

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<sup>1</sup> William Sanders, "The Organization of American States: A Summary of the Conclusion of the Ninth International Conference of American States, Bogota, Colombia, March 30 to May 2, 1948," International Conciliation, 442:390, June, 1949.

<sup>2</sup> "Charter of the Organization of American States," op. cit., p. 421.

<sup>3</sup> Loc. cit.



The Chapters on economic, social, and cultural standards stated in broad and general terms basic objectives in the three fields. One was free cultural interchange by every medium of expression.

The second part of the Charter dealt with the structure of the Organization. It accomplished its purposes by means of (a) the Inter-American Conference, (b) meeting of consultations of the Ministers of Foreign Affairs, (c) the Council, (d) the Pan American Union, (e) the specialized conferences, and (f) the specialized organizations.<sup>1</sup> As compared with the old system the only apparent innovation was the separation from the Union of the Council, previously known as the Governing Board of the Union. It now became the Secretariat of the Organization rather than simply the Secretariat of the International Conferences of American States. As the Council of the Organization it retained the responsibilities it had as the Governing Board of the Union. It also, as the permanent executive body of the entire system, could consider, within the limits of the Charter and Inter-American treaties and agreements, any matter referred to it by the Inter-American Conference or a meeting of the Foreign Ministers. It was no longer prohibited from exercise of political functions which it could undertake by special or general authorization or under the terms of the Rio Treaty.<sup>2</sup> The Council would have three

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<sup>1</sup> Ibid., p. 423.

<sup>2</sup> Ibid., p. 425.

organs: Inter-American Economic and Social Council; Inter-American Council of Jurists; and Inter-American Cultural Council. These were to be composed of one representative from each member government, and were given the responsibility for promoting inter-American cooperation in their respective fields and of undertaking tasks at the request of the Council and the Conference.

The Pan American Union was recognized as the central and permanent organ of the Organization of the American States and as the general Secretariat of the latter. The former Director General of the Union became the Secretary General of the Organization. He was to be elected by the Council for a ten year period and not be reelected nor succeeded by a person of the same nationality. The former Assistant Director-General was given the title of Assistant Secretary General and was to be Secretary to the Council and to serve as advisory officer to the Secretary General.

One of the last chapters of the Charter was on the United Nations. It provided that none of the provisions of the Charter "shall be construed as impairing the rights and obligations of the member States under the Charter of the United Nations".<sup>1</sup> Perhaps the outline of the Organization as shown on page 76 will depict each of the divisions and how each is related to the whole.

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<sup>1</sup> Ibid., p. 432.

ORGANIZATION OF AMERICAN STATES<sup>1</sup>

The Inter-American Conference  
 Supreme Organ of the Organization  
 Decides general action and policy

Meeting of Consultation  
 of Ministers of Foreign  
 Affairs--considers urgent  
 problems and acts as an  
 Organ of consultation

Specialized  
 Conference considers  
 special technical  
 matters

Advisory  
 Defense  
 Committee--  
 Inter-American  
 Defense  
 Board

Council of the Organization  
 Permanent Executive Body and  
 Provisional Organ of consulta-  
 tion

Specialized  
 Organization  
 agencies  
 performing  
 specialized  
 technical  
 functions

Inter-  
 American  
 Economic  
 and Social  
 Council

Inter-  
 American  
 Council  
 of Jurists  
 Inter-  
 American  
 Juridical  
 Committee

\* Pan American Union  
 General Secretariat  
 of the Organization

\* Department of Inter-  
 national Law and  
 Organization

\* Department of Eco-  
 nomic and social  
 Affairs

\* Department of Cul-  
 tural Affairs

\* Department of In-  
 formation

\* Department of Ad-  
 ministrative  
 Services

Inter-  
 American  
 Cultural  
 Council  
 Committee  
 for cul-  
 tural  
 action

\* Directors of these departments are the executive secretaries  
 of the respective councils.

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<sup>1</sup> "Organization of American States," Bulletin of Pan  
 American Union, 82:362, July, 1948.

The second treaty signed at Bogota was the Treaty on Pacific Settlement or the Pact of Bogota. All Conferences held since the Montevideo Conference of 1933 have had on their agendas the problems of coordination and improvement of existing inter-American treaties for peaceful settlement. The Pact of Bogota was another of these attempts. It contained eight chapters; general obligation to settle disputes by pacific means; procedures of good offices and mediation; procedures of investigation and conciliation; judicial procedures; procedure of arbitration; fulfillment of decision; advisory opinions; and final provisions.

In the first chapter on general obligation to settle disputes by pacific means, the states reaffirmed previous commitments to refrain from the threat or the use of force or of any other means of coercion for the settlement of controversies. They were pledged to settle such controversies by regional pacific procedures, especially by those contained in the Treaty, or by those to which the parties of the disputes might agree.

Excluded from these procedures were three main categories of questions, namely: (1) those which were within the domestic jurisdiction of one of the parties, in which event any one of the parties may request that the International Court of Justice determine this question; (2) those matters already settled by arrangements between the parties or by arbitral award or by decree of an international court, or which were

covered by agreements or treaties in force at the time of the conclusion of the Pact of Bogota; (3) those involving questions of diplomatic protection.<sup>1</sup>

The Treaty provided for no basic difference in the objective of good offices and mediation. The objective of both was to bring the parties together that they might reach a solution by direct means. Good offices and mediation could be performed by a third state or by an eminent citizen of such a state. The latter was a new principle added in this Treaty.

The procedure of investigation and conciliation was given in some detail and consisted in establishing a commission of five to report and to make recommendations to the parties. The members of the Commission were to be chosen from a list maintained by the Pan American Union. The Council of the Organization was authorized to assist the parties in setting up the commission and could at the request of one of the parties pending the meeting of the commission, make recommendations to the parties on measures which they should take to prevent the controversy from deteriorating. The Council had virtually the same functions that it had had since the inter-American Conciliation Convention of 1929.

If the conciliation procedures failed to find a solution and the parties were unable to agree upon arbitral procedures,

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<sup>1</sup> Sanders, op. cit., p. 403.



anyone of them could refer the dispute to the International Court of Justice or one of the parties could compel the other to arbitrate by requesting the Council of the Organization to set up the arbitral tribunal. This means that once conciliation was resorted to, automatic machinery was set in motion by one party alone to compel judicial or arbitral settlement.<sup>1</sup>

In the Chapter on "Fulfillment of Decisions" the Treaty provided that if one of the parties failed to carry out the obligations imposed upon it by a decision of the International Court of Justice, or by an arbitral award, the other party could request a Meeting of Consultation of the Ministers of Foreign Affairs. Here appropriate measures would be taken to ensure the execution of the judicial decisions or arbitral award. Another alternative for the disputing parties would be to refer the controversy to the Security Council of the United Nations.

The third major agreement negotiated at the Conference was the Economic Agreement. This had been prepared, pursuant to a resolution of the Rio Conference, by the Inter-American Economic and Social Council. It contained thirteen chapters which dealt with the following subject matters: principles; technical cooperation; financial cooperation; private invest-

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<sup>1</sup> Ibid., p. 404.

ments; cooperation for industrial and economic development; economic security; social guarantees; maritime transportation; freedom of transit; inter-American travel; adjustment of economic disputes; coordination with other international agencies; and ratification entry into force and amendments.

For the most part the principles and purpose of this agreement were based on those of the Charter of the United Nations, the Economic Charter of the Americas (approved at Mexico City, 1945), and the Charter of the Organization of American States.<sup>1</sup> The delegates agreed to call a special Economic Conference to be held in Buenos Aires sometime during the last three months of 1948.

The fourth agreement dealt with social and cultural matters. A convention which gave equal political rights to men and women was signed by fourteen nations. Another resolution provided for the extension to women of the same civil rights which men enjoyed. The United States did not sign this, because the matters concerned in it were within the province of the states.<sup>2</sup> Resolutions and Declarations were made which provided for the promotion of means by which workers could benefit from advances in preventive and curative medicine through the diffusion of information. Other resolutions tried to expedite means of cultural exchange.

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<sup>1</sup> Ibid., p. 406.

<sup>2</sup> Ibid., p. 410.

The fifth and last of the major agreements reached at Bogota, was made up of political and legal resolutions, concerning the rights and duties of man. The preamble stated that all men are born free and equal "in dignity and rights" and that rights and duties are inter-related in all social and political activities of man.

Another section of this agreement declared that the colonial status and the occupation of American territories by non-American powers should be terminated. An American commission on Dependent Territories with headquarters at Havana was established and was composed of one representative for each member of the Organization. This Commission was to study the problem of such colonies and territories with the purpose of seeking peaceful means for terminating the colonial status or occupation of these territories. The Commission would report to the Council of the Organization its findings for submission to the first Meeting of Consultation of the Ministers of Foreign Affairs.

Despite the large scope and diversity of the subjects discussed and acted upon at Bogota, there was a central theme. This was the common concern to strengthen inter-American machinery and cooperation. A fitting climax of the Conference came when for the final session the delegates were taken to the home of the first Pan American, Simon Bolivar. Here as each delegate entered the dining room to sign the treaties a band in the patio played his national anthem.<sup>1</sup>

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<sup>1</sup> "Liberator's Dream," Time, 51:36, May 10, 1948.

During the twenty year period from 1928 to 1948 with which this paper has been concerned, the growth of inter-Americanism had been slow and not always very steady, if a short-range view was taken. But it has grown step by step and has evolved into an Organization, which in spite of its shortcomings, was the most perfect instrument of its kind that had ever existed between sovereign nations.

The American States have set up and created the machinery and "tools" to make this machinery operate. They have definite procedural patterns for settling disputes. These had their beginning in the Gondra Treaty of 1923, and each succeeding conference either reaffirmed the old principles or added new ones, or did both. Thus, as better procedural methods were evolved, the solidarity of the hemisphere was strengthened until by 1948 it was quite impressive.

During this twenty year period, the Monroe Doctrine was converted from a unilateral to a multilateral policy. This was not merely a "paper" conversion. Proof of this came when one of the American nations was attacked; some of the nations immediately joined it in war, others broke all relationships with the enemy, and finally all were united in a common effort.

Following the war, the nations met again to strengthen the inter-American system. The Charter of the Organization of American States adopted at Bogota consolidated in a single

comprehensive organization what formerly had been an abstract union of nations, which had been evolving since the First International Conference of American States held in 1889.

The American States still have a lot to do to perfect their procedures and to reach the goal of complete hemispheric solidarity. If past experience in Inter-Americanism can be used as a guide for the future, these things will slowly evolve and the system will become more effective year after year. If there is as much accomplished in the next twenty years as in the past two decades, and as the American system becomes a part of the world organization, there is indeed hope for a peaceful future in the Americas and perhaps throughout the entire world.



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