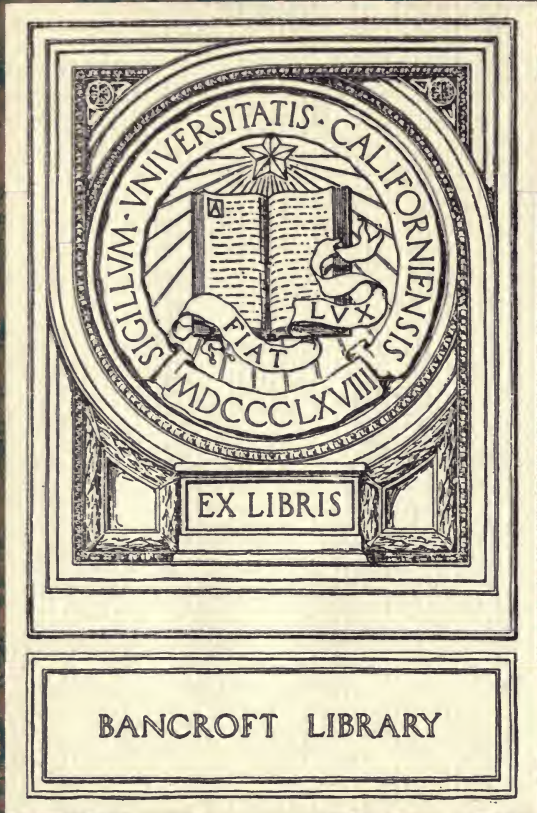


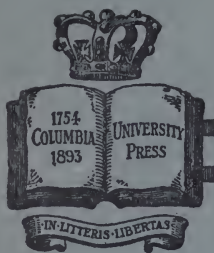
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*THE PAN-AMERICAN
CONFERENCE
AT BUENOS AYRES*

BY DR. WILLIAM R. SHEPHERD  RE-
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THE PAN-AMERICAN CONFERENCE AT BUENOS AYRES

TWENTY years have elapsed since the United States and the republics of Latin America first met at Washington for discussion of their common interests and problems. Inaugurated at that time in a spirit of experimentation, the organization that is known officially as the "International Conference of American States," and popularly as the "Pan-American Conference," has since become a permanent feature in the foreign policy of the twenty-one independent nations of the Western Hemisphere.

While differences in race, language and other characteristics exist among these states of English, Spanish, Portuguese and French origin, the experience of four successive conferences has emphasized the fact that such differences are less material than are the elements of similarity which mark the course of their respective development. The elements in question are found chiefly in the ideas and practices arising out of struggles for independence and for the assurance of stability and progress under conditions quite remote from those of the Old World. The application of republican forms of government, the presence in relatively large numbers of Indians, negroes and other more or less dependent peoples, the influx of European immigration, the employment of foreign capital and the possession of vast, natural resources yet to be exploited are all so many manifestations of essential similarity among the American republics. Many of the problems and policies connected with them, of course, are best determined by the nations directly concerned; others, it is now recognized, may be settled, or the way to settlement indicated, more efficaciously when submitted to the joint consideration and recommendation of an international body such as the Pan-American Conference. Its "true function," then, to quote the expressive language of the official instructions to the delegates of the United States to the Third Conference, held at Rio de Janeiro in 1906, "is to deal with matters of common interest which are not really subjects of controversy, but upon which comparison of views

and friendly discussion may smooth away differences of detail, develop substantial agreement and lead to cooperation along common lines for the attainment of objects which all really desire." An assembly of deliberation and proposition only, its conventions and resolutions are framed with the intention of suggesting to the governments of the nations concerned a course of action on given points which may be helpful in solving many of the difficulties that confront the process of advancement toward national welfare.

In commemoration of the fact that the year 1910 was one of especial significance as the centennial of the beginnings of the great revolutionary movement that culminated in the emancipation of Spanish America, the government of the United States appointed a delegation to the Fourth Conference larger, and in some respects more representative, than any of its predecessors. As befitted membership in an international gathering the deliberations of which would be guided by considerations of law, finance, commerce, politics and diplomacy, recognized authorities in these spheres of thought and action held a prominent place on the delegation. Four of our universities were represented directly. One of the delegates and the chief secretary of the delegation came from Columbia, while California, Illinois and Wisconsin were each represented by one delegate.

The sessions of the Conference were held in the great hall of the new Palace of Justice, the seat of the Supreme Court and one of the many magnificent buildings that adorn the capital city of the Argentine Republic. Luxuriously furnished for the occasion and festooned with the flags and escutcheons of the states participating, the hall was in every sense a fit meeting place for this council of American nations. Here and elsewhere in the building all that might possibly conduce to the comfort and convenience of the delegates was provided by the Argentine government in lavish abundance and absolutely free of cost. Their mail, telephone calls, telegrams, cablegrams and other messages were transmitted gratis by an elaborate service especially installed for the work of the Conference. Excellent luncheons catered to their inward refreshment. Competent attendants, interpreters, translators, stenographers, typewriters and other clerical assistants were ever available at their

beck and call. As if, also, the manifestations of Argentine courtesy and hospitality were not already grateful enough, each delegate was presented with a beautiful souvenir portfolio of silver-mounted leather, with handsome photographs of the Conference in session, and with a valuable collection of books on Argentine subjects which were later boxed and sent to his home at the government's expense.

Outside of the Conference building proper every effort, official and private, was made to render the lot of the members of that body one altogether free from symptoms of homesickness. In its brilliant garb of bunting, banners and illuminations, worn ever since the centennial celebration in May last of the Revolution of 1810, the great city of Buenos Ayres, with its million and a quarter inhabitants constituting the second Latin city of the world, seemed a virtual embodiment of the old Spanish phrase, "At your disposal!" Balls and receptions, banquets and excursions, operatic performances, horse-racing and other modes of entertainment claimed every spare minute. Whether at the Colon Theater, next to that in Paris the finest opera-house in existence, at the home of the Jockey Club; comparable only with the best of New York club-houses, or at its superb race-course, at the elaborate edifice of "La Prensa," without an equal as a great newspaper enterprise, or at the modern palace of some Argentine grain or cattle king, the visitor from the United States could hardly conceive that all this splendor was actually to be found in "South America," the stereotyped realm of the occasional earthquake and the perennial revolution!

The sessions of the Fourth Conference were officially opened on July 12 by Dr. Victorino de la Plaza, the minister for foreign affairs and vice-president-elect of the Argentine Republic. Of the twenty-one independent nations of America twenty were represented by some sixty-two delegates in all, as compared with the nineteen republics represented by fifty-four delegates in attendance upon the Third Conference at Rio de Janeiro. The sole absentee was Bolivia. As honorary presidents the Conference elected the Hon. Philander C. Knox, the secretary of state of the United States, and Dr. de la Plaza, and subsequently, when this gentleman retired from the ministry for foreign affairs, his successor, Señor Don Carlos Rodriguez Larreta, was added to the list. Dr. Antonio

Bernejo, the chief justice of the Argentine Supreme Court was chosen president, and Señor Don Epifanio Portela, formerly Argentine minister in Washington, general secretary, to whose efficient supervision of both the technical and the social features of the Conference the credit for much of its success is due. Fourteen plenary sessions in all were held, extending over a period of seven weeks, or about two weeks longer than the duration of the preceding Conference.

True to the definition already given of the purpose of the Conference, all topics of a contentious character were carefully excluded from the program as prepared by the secretary of state and the ministers from the Latin-American republics, who constitute the governing board of the International Union at Washington. Neither on the floor of the assembly nor in the committee rooms was any attempt made to disturb the harmony of procedure thus encouraged. Explanation, discussion, criticism were plentiful enough, but each was undertaken in a frank and helpful spirit that evinced a real appreciation of the problems up for solution and a genuine willingness to handle them as effectively as the limitations of time available and of powers conferred might allow. Pet theories were not ventilated, individual grievances were not expatiated upon, nor were mercurial temperaments aroused or national susceptibilities ruffled. There may have been an occasional illustration of the adage that the only Spanish expression more popular than *mañana* (tomorrow) is *pasado mañana* (day after tomorrow), and it is quite possible that the Conference might have completed its work sooner; but in so doing the opportunities for an interchange of views and for the development of personal friendships among the delegates, productive of results as real and positive as those embodied in formal acts, would have been correspondingly lessened.

In furthering an interchange of views and in shaping procedure no small element was that furnished through the reports submitted by some nineteen of the delegations. These reports dealt with the action of the respective governments upon the conventions and resolutions adopted by the Third Conference, and with the work of the Pan-American committees, the creation of which in each country had been recommended by that body for the purpose of promoting

the action in question. While some of the reports were too brief to be of much value, still the majority of them afforded a very useful idea of the attitude of the various governments toward the Conference in general as an institution as well as a significant explanation of why many of its conclusions in the past have not met with favor.

When the Fourth Conference brought its labors to a close on August 30, it had approved four conventions, twenty-four resolutions and eighteen motions, a material result bulking considerably larger than that of the four conventions, fourteen resolutions and three motions which emanated from its predecessor at Rio de Janeiro. All four of the conventions and eleven of the resolutions had been directly or indirectly the subject matter of conventions and resolutions framed by the Third Conference. The convention on pecuniary claims lays down the broad principle of arbitration for all controversies of the sort arising on behalf of the citizens of the several countries, which cannot be settled by diplomatic means and which may have an importance sufficient to justify recourse to that procedure. It calls for the submission of such cases to the decision of the Permanent Court of Arbitration at The Hague, unless the parties concerned agree to set up a special jurisdiction, and to comply also with the judgment that may be rendered.

In order to overcome certain fundamental defects that had prevented the ratification of the convention relative to the protection of copyright, patents and trade-marks, as it had been passed by the Third Conference, the three subjects were embodied by the Fourth Conference in three separate conventions. According to the first of these the signatory states obligate themselves to recognize and protect the right to literary and artistic property as therein defined. It is stipulated that the recognition of property right secured in one state shall hold good in all the other states in accordance with their respective laws, but only on condition that there shall appear in the work some statement indicative of the property right reserved. The duration of such right, furthermore, can not be extended beyond the term of protection granted by the country of origin. Similarly, in the convention dealing with property right in patents of invention, drawings and industrial models, it is agreed that persons obtaining

such patents in any of the signatory states shall enjoy in each of the others all the protection which their respective laws on the subject may afford. Certified copies, also, of patents granted by the country of origin are to receive full faith and credit as proof of priority, under such restrictions as the necessity of guarding against improper use of the privileges concerned may warrant. By the convention on trade-marks it is declared that, when these have been duly registered in one of the signatory states, they shall be regarded as registered also in the other states, and that commercial names, whether forming part of a trade-mark or not, shall be suitably protected without the obligation of deposit or registry. The powers and privileges requisite for the purpose, however, are made subject to compliance with certain conditions. Assuming that the rights of third parties have been safeguarded and that the laws of the countries in which registry is to be affected have been observed, the merchant or manufacturer interested in the matter must pay, in addition to the fees fixed by the laws in question, a special fee for international registry. To these ends provision is made for the establishment of two offices of registry, one at Havana for the northern group of nations and one at Rio de Janeiro for the southern group, the duties of both being prescribed in considerable detail.

The first of the resolutions of the Conference to invite attention is that referring to appropriate means for commemorating the independence of the American republics. It recommends that the various nations provide for the construction in Buenos Ayres of a building for the permanent exposition of the products of their soil and industry, and that they join in the publication of a work illustrative of the events connected with the period of independence. So as to show its appreciation of the generous contribution of Andrew Carnegie toward the erection of the new home of the American republics in Washington, the conference resolved to present Mr. Carnegie with a gold medal bearing the inscription "Benefactor of Humanity." In regard to the manner of celebrating the opening of the Panama Canal, the Conference decided to refer the whole question to the governing board of the International Union. It observed the same course of action on the matter of determining

the date, and place for the holding of the Fifth Conference, following in this respect the precedent set by the Third Conference.

Another resolution elaborates a series of provisions looking to the reorganization of the International Bureau of the American Republics at Washington on the basis of a degree of efficiency greater than it has hitherto been able to possess. Among other things it substitutes for the rather cumbrous name which that office has always borne the shorter, and in every way more convenient, designation of "Pan-American Union," and gives to its chief officer the title of director general. In this connection some effort was made to have the needful changes in the organization and operation of the Pan-American Union put into the more definitive form of a convention; but the Conference was willing to go only so far as to pass an additional resolution embodying such changes in a plan of convention. To facilitate the work of the Pan-American Union, also, the Conference earnestly recommended that hereafter all official publications required by that office be sent to it more regularly and in more abundant measure. Since this is the first time that any Conference has shown itself inclined even to consider the possibility of giving to the Pan-American Union the strength and permanence that a formal convention would assure, the fact is to be taken as a tribute to the ability of the present director general, under whose administration the office has arisen from the obscurity of a routine bureau of commercial statistics, little known and but slightly appreciated, to the prominence of an international agency of general information about American countries, the services of which are now widely recognized and as widely employed.

Six resolutions of the Conference deal with commercial relations. In one of them the various countries concerned are urged to lend their hearty support to the labors of the permanent Pan-American Railway Committee of the United States, by facilitating to the utmost the completion of the inter-continental line. When this has been accomplished a "great and common desire" will have been realized. Not content with a resolution alone, the Conference also passed a motion calling upon the American governments "to prosecute and hasten the work of the Pan-American Railway according to a fixed and determined plan." That the Conference made its attitude of encouragement so pronounced seems due to its recog-

dition of the thorough-going character of the report submitted by the committee in question no less than to the merits of the enterprise itself.

Another resolution recommends that the various American nations conclude conventions among themselves providing for a direct and adequate steamship service. To this end the vessels of lines established through state initiative should enjoy at the ports of call every privilege that may be granted to vessels flying the flag of such ports, and no railway rebates should be allowed which are not at the same time accorded to the vessels engaged in direct trade between the American countries. Plans should be set on foot, moreover, to promote reciprocal liberty of commerce in the coasting trade, to create connecting lines between ports not having traffic by American ships, to supply return cargoes warranting return service between the ports of America, to assure direct banking and cable service, and to secure the adoption of a common system of weights and measures.

The Conference suggested a variety of means for simplifying consular procedure and rendering it so far as possible uniform, and for facilitating also the despatch of goods through the customs. It defined at some length the exceedingly useful duties of the Section of Commerce, Customs and Statistics, the formation of which as a part of the Pan-American Union had been recommended by the Conference at Rio de Janeiro. In this connection, furthermore, it warmly endorsed the acts of the various conferences on sanitary police, which, if observed, would tend to lessen the dangers that still obstruct the material development of some of the American countries.

Along educational lines in the broad sense the Fourth Conference expressed its appreciation of the results achieved by the first Pan-American Scientific Congress, held at Santiago, Chile, in December, 1908, as well as by the International American Scientific Congress held at Buenos Ayres in July of 1910. It urged the taking of a census of population every ten years and in 1920 the taking of a general census of population, industry and whatever else that "science and practice may render advisable." As a further agency for the diffusion of information among the republics of America, the Conference recommended the creation of national offices of bibli-

ography similar to those recently founded in the Argentine Republic, Chile and Peru.

Though in expression and in the probability of its speedy realization little more than a pious wish, the plan outlined by the Conference for an interchange of professors and students among the universities of America is of such interest to educators as to warrant its statement in full. It runs as follows:

I

"The Fourth International American Conference assembled at Buenos Ayres resolves:

To recommend to the governments of America in behalf of the universities dependent upon them and to the universities recognized by those governments that they establish an interchange of professors on the following bases:

1. The universities are to grant such facilities as may be required to enable exchange professors to give courses or lectures.
2. The courses or lectures are to deal chiefly with scientific matters of American interest or which bear upon the conditions prevailing in some American country, particularly that from which the professor comes.
3. Every year the universities are to communicate to the institutions with which they may wish to arrange for an interchange the subject matters taught by their respective professors and those which they would like to have treated.
4. The remuneration of the professors is to be provided for by the university appointing him, unless his services shall have been expressly requested, in which case his remuneration is to be charged to the university inviting him.
5. Out of their own funds, if they have any, or out of such as may be obtained on application to the respective governments, the universities are to fix annually the amounts required to meet the expenses which compliance with the present resolution may entail.
6. It would be desirable to have the universities of America meet in a congress to promote university extension and other means of intellectual cooperation in America.

II

The Fourth International American Conference believes, furthermore, that, in order to strengthen the sentiment of solidarity among all the states of the continent an interchange of students among the universities of America would be very useful, and accordingly resolves:

1. To recommend that the universities of America establish scholarships in favor of students from the other American countries, with or without reciprocity, adopting for the purpose, either directly or through the agency of the governments upon which they depend, the measures needful to carry the agreement into practical effect.

2. Each university that may have established scholarships is to appoint a committee charged with the duty of supervising the holders of such scholarships, guiding them in their studies and determining upon whatever measures may be necessary to assure their compliance with the duties imposed.

3. The university in which a foreign student of the sort is matriculated is to have him assigned to the proper course with due regard to the respective curriculum and regulations.

Although the various conventions and resolutions, of which a brief account has been given, are purely tentative in character, and although some, if not many, of them may never be ratified by the governments of all the republics, this is no reason why the advocates of Pan-Americanism should feel discouraged at the apparently meager results of a positive sort. It must be remembered that the Pan-American Conference is not properly a legislative body having a will to be obeyed or a mandate to be enforced. It is simply a deliberative assembly the function of which is to offer the advice of chosen minds on matters that affect the common good of twenty-one nations, possessing an aggregate population of more than a hundred and fifty millions spread over the enormous area of two continents, of twenty-one republics whose power and prosperity in many cases have but fairly begun. One can hardly expect that countries so widely separated, so diverse in origin and so unequal in point of development should accept instantly and without question whatever their representatives in international council may propose. Isolated in every sense far more than the states of Europe are, they recognize, nevertheless, the substantial identity of their interests and hence look to the Pan-American Conference for acquaintance without alliance, suggestion without compulsion and guidance without tutelage. These are the elements of cooperation which promote the realization of their essential unity of thought and purpose, which serve to link their destinies, and these they welcome.



Syracuse, N. Y.

PAT. JAN. 21, 1908

