

POSTPONEMENT OF THE SEVENTH INTERNATIONAL CONFERENCE OF AMERICAN STATES

710.G/65 : Circular telegram

The Secretary of State to the Diplomatic Representatives in Argentina, Brazil, Chile, Peru, and Uruguay

WASHINGTON, February 27, 1932—noon.

The Brazilian Ambassador called on the Secretary of State on the 25th and told him that Uruguay had asked Brazil to sound out the other Governments with a view to getting their concurrence in a postponement of the Seventh Pan American Conference. The Secretary said that this Government would be guided by the wishes of the other American Governments; that we have no particular reason for advocating that the Conference be held in December, and that we would of course acquiesce if the other Governments should desire a postponement. He made it very clear, however, that we are taking no initiative in the matter and are not suggesting in any way that the Conference be postponed.

The Ambassador intimated that he would discuss the matter with the other members of the Governing Board of the Pan American Union and, if they are in agreement, would make a proposal at the next meeting of the Governing Board that the Conference be postponed.

STIMSON

710.G/68

The Uruguayan Chargé (Richling) to the Secretary of State

No. 98

WASHINGTON, March 1, 1932.

SIR: I have the honor of informing your Excellency that I have received cable dispatches from the Minister of Foreign Relations of Uruguay advising me that no change in the date of the forthcoming Pan American Conference is contemplated and that the Conference will be held in Montevideo in December 1932 or January 1933.

I have [etc.]

J. RICHLING

710.G/90 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, April 1, 1932—4 p. m.

[Received 5:45 p. m.]

20. I infer that Uruguay's attitude at meeting of the Board of Pan American Union April 5th will be that of no opposition to postponement of Conference for a definite period of from 6 months to 2 years if proposed by Brazil or any other country, but of objection to indefinite postponement as jeopardizing spirit of Pan-Americanism and objects of conferences.

WRIGHT

710.G/95 ½

The Director General of the Pan American Union (Rowe) to the Assistant Secretary of State (White)

MEMORANDUM

At the informal meeting of the Governing Board held yesterday afternoon, the Ambassador of Brazil announced that it was his intention at the session of the Board this afternoon to move for the postponement of the Conference.

During the discussion that followed, the Ambassador of Cuba, the Ambassador of Chile and the Ambassador of Mexico expressed themselves in favor of postponement. The Ambassadors of Chile and Mexico had evidently in mind the postponement for a few months rather than a longer period. The only decided opposition to any postponement came from the Minister of Haiti. The Ministers of Colombia and Ecuador insisted that if any postponement were proposed good reasons for the postponement must be adduced.

Finally, after nearly three hours discussion the Minister of Colombia submitted a resolution which he suggested be presented at the meeting this afternoon and which provided that, in view of the motion presented by the Ambassador of Brazil, the Chargé d'Affaires of Uruguay should be requested to inquire of his government whether any objection would be raised to a postponement of not more than one year.

The Ambassador of Cuba then proceeded to ask each member present as to his attitude toward such a resolution. All those to whom the question was put voted in favor of the resolution except the Ministers of Haiti, Panama and the Dominican Republic who abstained from voting. The Ministers of the Dominican Republic and Panama refrained from voting because of lack of instructions from their governments.

The situation at the meeting this afternoon is that there is nothing on the agenda of the Board relating to the forthcoming Conference.

Should the Government of the United States desire postponement, I would strongly recommend a definite expression of this desire be made at the session this afternoon. One of the reasons which may be given for desiring such postponement is that one of the most important questions to come before the next Conference is that relating to the codification of international law. It is evident that neither the Commission of International Law at Rio de Janeiro nor the American Institute of International Law will have the projects prepared in time for careful study by the respective governments prior to the December Conference. It would therefore be entirely appropriate for the Secretary at the meeting this afternoon to suggest that, in view of the desirability of further preparation, inquiry be made of the Government of Uruguay whether it will be agreeable to the Government of Uruguay to postpone the Conference until December 1933.

APRIL 6, 1932.

L. S. R[OWE]

724.8415/1723 5₄

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] April 7, 1932.

Mr. Espil, the Argentine Ambassador, called and discussed the Chaco matter.¹ He had a telegram from his Government saying that in view of the situation in the Chaco they thought it inadvisable to postpone the Seventh Pan American Conference. Espil said that unfortunately the telegram arrived too late to take the matter up yesterday. He asked what I thought about the matter and whether I thought it would serve any useful purpose if the Uruguayan Government, in reply to the inquiry addressed to it yesterday, should suggest the inadvisability of postponing the Conference for this reason. I told him that if there is to be trouble in the Chaco it will undoubtedly occur before the Conference could be held in December. Mr. Espil assented. I also inquired just what the Conference could do. He mentioned that the Pan American Conference for Arbitration and Conciliation² had been in session when the matter broke out over three years ago and had been very helpful. I replied that that was of course true and that their action had been to offer their good offices and to set up a neutral commission to take the matter in

¹ See pp. 8 ff.

² See *Foreign Relations*, 1929, vol. I, pp. 653-669 and 818-863.

hand. This commission is still functioning. I did not see what the Conference itself could do. I told him I thought the most practical results would come from an agreement among the four States bordering on Bolivia and Paraguay, namely, Argentina, Brazil, Chile and Peru, as to definite action. Mr. Espil said that he agreed that that would give the most practical results but he thought that any joint action would be very difficult to bring about. I inquired what his Government would be prepared to do and he evaded the question although I put it to him two or three times. He finally said that he did not know. I suggested that it might be well to sound out his Government on that point to find out what they would be prepared to do. I added that if there was anything we could do to help in the matter I should be glad to be advised thereof. Mr. Espil said that he would take it up with his Government and would keep in touch with me.

F[RANCIS] W[HITE]

710 G/99

*The Director General of the Pan American Union (Rowe) to the
Assistant Secretary of State (White)*

WASHINGTON, April 12, 1932.

MY DEAR MR. WHITE: I am sending you herewith the final formulation of the resolution adopted by the Governing Board of the Pan American Union on Wednesday, April 6th. At the meeting of the Board a resolution was first presented by the Ambassador of Brazil and a substitute resolution was submitted by the Ambassador of Chile. This substitute was accepted by the Ambassador of Brazil. Thereafter, a number of amendments were offered and the final formulation of the resolution was left to the Secretary of the Board. When this formulation was sent to the Chargé d'Affaires of Uruguay he suggested that the last paragraph be made a little less drastic as this change would be in closer harmony with what actually transpired at the meeting of the Board. To this all the members of the Board who participated in the discussion fully agreed.

I beg to request, therefore, that the resolution herewith be substituted for the one forwarded to you a few days ago.

Very sincerely yours,

L. S. ROWE

[Enclosure]

Resolution on the Convocation of the Seventh International Conference of American States, Adopted by the Governing Board of the Pan American Union, April 6, 1932

During the course of the last few weeks, and as a consequence of the circumstances which are profoundly occupying the attention of all Governments, there has been indicated by some countries of our Continent the desire of studying more deeply the various topics that appear on the program of the Seventh International Conference of American States, the convocation of which is entrusted to the Government of the Republic of Uruguay. For the purpose of uniting the ideas which have been expressed concerning this aspiration, of enabling the forthcoming Pan American assembly to achieve the practical results that are expected of it, permit me to suggest that we beg of our distinguished colleague the Chargé d'Affaires of Uruguay, that he be good enough to transmit to his Government the request of the Governing Board that, in definitely fixing the date of the opening of the Conference, the following facts be considered:

1. Various American countries desire to have at their disposal sufficient time to study, without haste, some of the principal topics of the program of the forthcoming Conference, and for this purpose cherish the hope that its convocation may be deferred.

2. Notwithstanding that a favorable atmosphere exists, no time or dates have been suggested as acceptable to all the interested countries, although it has been thought that a postponement for one year should be sufficient.

3. It is the general sentiment that in this matter, as in all of a Pan American nature, unanimous solutions be obtained.

Therefore, the Governing Board of the Pan American Union earnestly requests that the Government of Uruguay, in fixing the definite date of the convocation, be good enough to take into consideration the above circumstances, and the desire expressly manifested that the Conference be held in December 1933.

710.G/114

*The Secretary of State to the Diplomatic Representatives
in Latin America*

WASHINGTON, June 4, 1932.

SIRS: Reference is made to the Department's confidential circular instruction of January 28, 1932 (File 710.G1A/66),³ and previous instructions concerning the Seventh International Conference of American States. You are now informed that the Governing Board

³ Not printed.

of the Pan American Union, at the meeting held on May 4, 1932, adopted the following resolution postponing the Conference until December, 1933:

"In view of the resolutions adopted by the Governing Board at the session of April 6th, and the approval by the Government of Uruguay⁴ of the suggestion contained therein,

The Governing Board of the Pan American Union RESOLVES:

To fix the month of December, 1933, for the meeting in Montevideo of the Seventh International Conference of American States, and to request the Government of Uruguay to designate, at the proper time, the opening date."

The Governing Board adopted the following statement relative to the considerations which determined the postponement of the Conference:

"The program of the Seventh International Conference of American States contains many questions, especially under the heading of juridical and economic problems, which will require prolonged preparatory study prior to the assembling of the Conference. The Pan American Union has requested the preparation of technical studies and draft projects by the American Institute of International Law, the Permanent Committee on Public International Law at Rio de Janeiro, the Permanent Committee on Private International Law of Montevideo, and the Permanent Committee on Uniformity of Legislation and Comparative Legislation at Havana.

"It has become apparent to the Governing Board that even with the exercise of the greatest industry it will not be possible to complete these preparatory studies and projects in time to submit to the Governments sufficiently far in advance of the meeting of the Conference.

"Under the headings of *Economic Problems*, and *Transportation*, there are also a number of questions which call for submission of well-considered projects long in advance of the coming together of the delegations at Montevideo.

"Since the final formulation and adoption of the program by the Governing Board, considerable work has been done on these questions, but the projects in which will be embodied the results of these studies, have not yet been formulated.

"The Governing Board has given much weight to these considerations, and after consultation with the Government of Uruguay, it has been determined that the postponement of the Conference until December 1933 is essential in order to complete the studies and permit the formulation of projects to be considered at the Conference."

With reference to the circular instruction dated October 10, 1930 (File 710.G/4A),⁵ the Department desires you to submit a supplementary survey by January 1, 1933, concerning the relations of the

⁴ For text of the communication from Uruguay, see *Bulletin of the Pan American Union*, vol. LXVI, No. 6 (June 1932), p. 388.

⁵ Not printed.

United States with the other American republics and of their relations with one another. In case you have not yet submitted the comprehensive survey as requested in the circular instruction of October 10, 1930, you are instructed to do so by January 1, 1933. The foregoing surveys should be supplemented by subsequent reports from time to time if there appears to be occasion for such reports.

Very truly yours,

For the Secretary of State:
FRANCIS WHITE

THE CHACO DISPUTE BETWEEN BOLIVIA AND PARAGUAY¹

I. GOOD OFFICES OF THE COMMISSION OF NEUTRALS

724.3415/1742 ½

*Draft Pact of Non-Aggression of May 6, 1932*²

PREAMBLE

The Presidents of Paraguay and Bolivia persuaded that their nations should always be inspired in solid cooperation for justice and the general good;

That nothing is so opposed to this cooperation as the use of violence;

That there is no controversy between them, however serious it may be, which can not be arranged by a pacific settlement;

That war of aggression constitutes an international crime against the human species;

Have agreed to enter into a Pact of Non-Aggression, and for that purpose have appointed as their respective Plenipotentiaries:

The President of Paraguay, Señor Doctor Don Juan José Soler, and Señor Doctor Don César Vasconsellos;

And the President of Bolivia, Señor Doctor Don Eduardo Diez de Medina, and Señor Doctor Don Enrique Finot, who, having communicated to one another their full powers, found in good and true form, have agreed upon the following articles:

ARTICLE I

All aggression is considered illicit and as such is declared prohibited. Paraguay and Bolivia will employ all pacific means to settle

¹ Continued from *Foreign Relations*, 1931, vol. I, pp. 715-807.

² Original in Spanish and in English; transmitted to the Bolivian and Paraguayan delegates on May 7, 1932.

For the report in Spanish of the inaugural session of the Bolivian-Paraguayan conference to study a pact of non-aggression, November 11, 1931 and the minutes of the several meetings, 1-6 (November 24, December 2, 9, 1931; January 18, February 25, April 15, 1932), see Republica del Paraguay, Ministerio de Relaciones Exteriores, *Libro Blanco*, I Parte, *Documentos relativos a la conferencia de Washington para el estudio de un Pacto de no Agresión con Bolivia, a la actuación de la Comisión de Neutrales, y Trato de Prisioneros* (Imprenta Nacional, Asunción, 1933). See also Republica de Bolivia, Ministerio de Relaciones Exteriores y Culto, *Memoria presentada al Congreso de 1934, Conflicto del Chaco* (La Paz, 1934), pp. 37 ff. These minutes are also in the files of the Department of State under 724.3415/1815 ½.)

For history of the authorship of the "Draft Pact of Non-Aggression of May 6, 1932", see note from Mr. White to Señor Soler, July 28, 1932, p. 41.

the territorial and boundary conflict which at present exists between them in the Chaco.

ARTICLE II

The Governments of Bolivia and Paraguay declare that the incident which caused the breaking off of diplomatic relations between them in July, 1931, is completely forgiven on both sides, as no offense was intended on either side, and consequently they agree to renew as soon as possible, and not later than two months after the signature of this instrument, diplomatic relations between them by mutually accrediting Ministers to one another.

Immediately upon the signing of this Treaty diplomatic relations will be *ipso facto* renewed between the two Republics with the same cordiality which existed before the breaking off of relations. The diplomatic agents accredited before the Governments of both countries can resume their functions without any other formality than the notification of its Government.

ARTICLE III

In fulfillment of their desire to remove all misunderstanding between them and to settle through pacific means the conflict regarding possessions in and dominion over the Chaco, both Parties agree to enter into negotiations not later than six months after the exchange of ratifications of this instrument for a Treaty of Arbitration which both Parties will exert every possible endeavor to conclude not later than two years after the exchange of ratifications of this Treaty.

It is understood that this Treaty will provide for a definitive settlement by arbitration of the territorial and boundary question existing between them in the Chaco, the limits of which will be agreed upon in that Treaty, and that both Parties are at liberty, in presenting their cases to the Tribunal, to submit the pleas, proofs, and documents of whatever kind they may deem expedient to support their points of view and claims in the boundary and territorial question and in the matter of possessions.

It is furthermore agreed that the award of the Arbitrator or Tribunal provided for in the said Treaty shall decide the boundary and territorial question in the Chaco controversy finally and without appeal and shall be faithfully executed by the Contracting Parties.

ARTICLE IV

It is agreed and declared by both Parties that this Pact of Non-Aggression in no wise affects, alters, or impairs the juridical positions which both maintain nor their different points of view respecting the

multiple aspects of the fundamental controversy nor their respective points of view regarding the *status quo* of 1907.

ARTICLE V

During the life of this Treaty neither Party will advance its extreme positions in the Chaco.

The present extreme positions of Bolivia in the Chaco are as follows:

The present extreme positions of Paraguay in the Chaco are as follows:

The above enumeration of the positions of the two parties is made solely for the purpose of maintaining peace and it is not, and can not be alleged to constitute, a recognition by either Party of the right of the other to occupy any such position or positions. This latter is a matter for determination by the arbitration referred to in Article III and this pact in no wise alters the juridical status of either Party as respects that arbitration.

Upon the signing of this Treaty, the Contracting Parties agree not to effect mobilizations or concentration of troops in the Chaco nor to engage in any act which could be considered as a preparation of hostilities.

Both Parties will immediately give categoric instructions to the commanders of their forces in the Chaco to prevent them from coming into contact with those of the other Party. If, on account of movements of troops, or for any other reason, an armed group belonging to one of the Contracting Parties should come face to face with an armed group belonging to the other Contracting Party, both must at once put up a white flag and each group must retire five kilometers in the direction of its own country, and the commander of each group shall communicate the occurrence to his respective Government.

ARTICLE VI

Should there unfortunately be conflicts between two armed groups of the two Parties or should either Party allege that the other Party is making advances in the Chaco, a joint civilian commission formed by a representative of each Government will investigate the matter on the ground not later than thirty days after one Party has received complaint from the other regarding the incident and a request to carry out such an investigation.

If, within fifteen days, this commission is unable to reach an agreement regarding the facts or to conciliate the incident, a mixed civilian commission of five members will be appointed to proceed to make an

investigation on the spot within thirty days thereafter and its report shall be definitive with regard to the facts. This commission will also endeavor to conciliate the two Parties regarding the incident.

ARTICLE VII

The mixed civilian commission referred to in the preceding Article will be appointed in the following manner: Each Government shall appoint two members, all nationals of American States, only one of whom may be a national of its country. The fifth member shall be chosen by common accord of the two Governments and shall perform the duty of Chairman; but a citizen of a nation already represented on the commission may not be so selected.

Unless, within five days, the two Governments are able to agree upon the fifth member, he will be designated by the President of In case of resignation, death, or any other vacancy, a substitute will be appointed in the same manner as the original appointee.

The decisions and final report of the mixed civilian commission shall be agreed to by the majority of its members.

Each Party shall bear its own expenses and a proportionate share of the general expenses of the commission.

The mixed civilian Commission shall itself establish its rules of procedure. In this regard there are recommended for incorporation into the said rules of procedure the provisions contained in Articles IX, X, XI, XII, and XIII of the Convention signed in Washington February, 1923, between the Governments of the United States of America and the Governments of the Republics of Guatemala, El Salvador, Honduras, Nicaragua, and Costa Rica, which appear in the appendix of this Treaty.³

ARTICLE VIII

The Contracting Parties shall furnish the antecedents and data necessary for the investigation. The commission shall render its report within a maximum of sixty days from the date of its inauguration. In case the recommendations of the Commission are not accepted by the Parties or by one of them, the commission will publish its findings in the matter and its opinion thereon. The report of this commission will be considered as establishing the responsibility for the incident and which has caused the aggression or the degree of fault which has been incurred.

³ Convention between the United States and the Central American States for the Establishment of International Commissions of Inquiry, signed at Washington, February 7, 1923, *Foreign Relations*, 1923, vol. 1, p. 321.

Any Party which may have advanced beyond the positions enumerated in Article V or which may have mobilized or concentrated troops in the Chaco or have carried on any act which may be considered as preparation for hostilities will be considered an aggressor.

ARTICLE IX

The Contracting Parties agree that if this Treaty is not ratified by one of them the burden of proof shall be on the Party not ratifying the agreement to show to the representatives of the Neutral Powers in Washington, in any incident which may arise in the future, that it was not the aggressor and, in the absence of such proof, the presumption in any given instance will be that that Party is the aggressor.

ARTICLE X

The present Treaty shall be signed in duplicate and shall be ratified by the Contracting Parties in conformity with their respective constitutional procedures, and the ratifications shall be exchanged at Washington as soon as possible.

This Treaty shall remain in effect for a period of two and a half years from the date of the exchange of ratifications. Thereafter it will remain in effect until four months after either Party has signified its intention to the other to terminate it.

In witness whereof, the above mentioned Plenipotentiaries sign this Treaty and affix their seal in the city of Washington on this day of May, in the year one thousand nine hundred and thirty-two.

APPENDIX

ARTICLE I

The Signatory Governments grant to all the Commissions which may be constituted the power to summon witnesses, to administer oaths and to receive evidence and testimony.

ARTICLE II

During the investigation the Parties shall be heard and may have the right to be represented by one or more agents and counsel.

ARTICLE III

All members of the Commission shall take oath duly and faithfully to discharge their duties before the highest judicial authority of the place where it may meet.

ARTICLE IV

The Inquiry shall be conducted so that both parties shall be heard. Consequently, the Commission shall notify each Party of the state-

ments of facts submitted by the other, and shall fix periods of time in which to receive evidence.

Once the parties are notified, the Commission shall proceed to the investigation, even though they fail to appear.

ARTICLE V

As soon as the Commission of Inquiry is organized, it shall at the request of any of the Parties to the dispute, have the right to fix the status in which the parties must remain, in order that the situation may not be aggravated and matters may remain *in statu quo* pending the rendering of the report by the Commission.

724.3415/1803

The Minister in Paraguay (Wheeler) to the Secretary of State

No. 445

ASUNCIÓN, June 2, 1932.

[Received June 20.]

SIR: In my telegram of today⁴ I have had the honor to transmit the significant points of a memorandum handed me yesterday by Dr. Arbo giving Paraguay's view of the draft-Pact of Non-Aggression⁵ submitted by the Paraguayan and Bolivian delegations at Washington to their Governments and received here by air-mail on May 25th. I am enclosing, herewith, full text and translation.

The memorandum was at the same time handed to the other Neutral representatives here and later copies were given to the Ministers of Brazil and Argentina. Dr. Arbo informed me that he was not cabling the text to his delegation. I assume that it will go forward by air-mail, if it was not already on its way when the copy was handed me.

On May twenty-eighth I had a conversation with him concerning the draft-Pact, which he said was being studied but that no decision had as yet been arrived at as to instructions to the Delegates. He considered the project "good in some respects", but was not yet prepared to discuss it in detail. Ayala had told me confidentially that he himself had already discussed it both with Arbo and with the President (Guggiari) and that the agreement had been reached that Paraguay would be justified in signing such a Pact only in case an effective guarantee be provided.

Ayala's personal attitude toward the question was the subject of my telegram No. 29 of May 3.⁶ He believes strongly that the only effective guarantee that stands any chance of consideration by Bolivia

⁴No. 35, June 2, 6 p. m.; not printed.

⁵*Supra.*

⁶Not printed.

is the indirect one provided by a mutual reduction of the troops of both countries. That alone would tend to prevent clashes by the necessitated limitation of forces in the Chaco. He does not consider Vasconsellos' objection wholly ingenuous, and believes that he fears such a proposal would arouse popular protest here and injure him politically. Ayala tells me that, as the result of his country-wide speech-making since his return to Paraguay, in which he has repeatedly introduced this question without sign of popular resentment and with every indication of public approval, he is convinced that public opinion here, even if there should be some agitation by the opposition, would accept the proposal enthusiastically. Arbo, he assures me, would be for it, as would Guggiari, provided of course that the Government here is not put in the position of initiating the proposal. Ayala's hope is that the Neutral and Associated Representatives at the proper moment may see their way clear to laying formally before the two Delegations a concrete proposal for troop-reduction; this the Delegations must of necessity refer to their two Governments and Ayala is apparently confident that he could control the Cabinet decision here.

I must say that I do not feel so sure of this. Ayala's idea of troop-limitation has been so long misrepresented to the public and has so far proven so unpopular among the rank and file of the Army, that an immediate unfavorable reaction seems to me certain, and it remains to be seen whether this can be overcome within the limited period and with the Government's resources of propaganda. In view of this situation it seems to me by no means certain that the Ministers of War and of Interior would countenance the proposal, except in the event of Bolivia's declared approval.

Dr. Arbo, in our conversations, has avoided giving any suggestion as to the possible character of a direct guarantee which Paraguay would consider adequate or desirable. The two South American Powers contiguous, whose influence and ambitions more nearly balance, Argentina and Brazil, naturally suggest themselves in such a connection. Dr. Ayala is of opinion that Brazil independently would be willing to assume no responsibilities whatsoever, but that at the initiation of Argentina she would agree to take part in any joint action which the other favored. My Brazilian colleague here, however, is convinced that his Government would under no circumstances consider such a proposal.

The only newspaper comment so far on the draft-Pact is that of today's *Orden* (Independent) which holds that in Article V the Delegation exceeded its powers, that the Article is a tacit recognition

of Bolivia's usurped positions, and that no agreement can be accepted which does not provide for her withdrawal therefrom.

Tomorrow's *El Liberal* (Government) will say editorially: "The reading (of the draft) has caused us an unexpected disappointment. The good-will of the United States and the complete impartiality which animates the personages who have drafted it, and concerning whom it is not possible to entertain a moment's doubt, are not reflected in its contents. . . .⁷ The Washington proposal has nothing of a Pact of Non-aggression except the name." It will take the attitude of the Foreign Office Memorandum, that if Paraguay signs a Pact it must provide either a guarantee or a provision for an arbitration on the basic question.

Respectfully yours,

POST WHEELER

[Enclosure—Translation]

The Paraguayan Minister for Foreign Affairs (Arbo) to the American Minister (Wheeler)

MEMORANDUM

The project offered by Mr. White as a basis of discussion during the verbal conferences to be held by the delegates of Paraguay and Bolivia suggests the following observations.

A) In it is considered the pact of non-aggression proposed by Bolivia; but it does not take into consideration the counter-proposal of Paraguay. Therefore, it does not seek an intermediate solution between both projects, as we hoped. This circumstance places the delegates of Paraguay in an unfavorable situation.

Notwithstanding the above, Paraguay with a spirit of good-will, will agree to study the project referred to.

B) Paraguay is willing to sign a pact of non-aggression if it offers effective guarantees that aggression will not occur. The pact should guarantee peace. The contrary would mean that it is one more diplomatic document to be added to those already negotiated between Paraguay and Bolivia, and which have not served to prevent the state of permanent aggression in which Bolivia has placed itself in having advanced its military positions from the year 1913⁸ for some time past, thus violating the pact of 1907.⁹

The pact of non-aggression should remove the possibility of clashes

⁷ Omission indicated in the original.

⁸ See *Foreign Relations*, 1914, pp. 27 ff.

⁹ The Pinilla-Soler Protocol of January 12, 1907, *ibid.*, 1907, pt. 1, p. 87.

of the armed forces of both countries, for only in this manner can a spiritual environment be created which will render practicable diplomatic negotiations. It should also offer the possibility of diminishing the armed forces of occupation of the fortines of the Chaco, for only in this fashion will both countries gain a substantial benefit from the pact which an effort is being made to subscribe, in being able to eliminate from their budgets that factor of disturbance or neglect of other absolute necessities of the nation. A Pact of non-aggression which obliges us to remain with guns on our shoulders, without the possibility of diminishing, without serious risk our military budget, offers us no advantage. Neither does it contribute anything to the peace of America.

To sum up: Paraguay requires that the pact of non-aggression be backed by a sufficient and effective international guarantee.

The word or signature of Bolivia alone does not merit our confidence because we have the unhappy experience that for her pacts are "Chiffon de papier".

Paraguay, in requiring "guarantees", "securities", is not to be understood as waiving any of the primordial rights of sovereignty, and in this it has for criterion mighty France in her discussion of the problem of disarmament.

C) Paraguay would also accept, almost without modifications, the proposal transmitted if simultaneously it could sign a protocol of arbitration, submitting to a legal arbitration the basic question, that is to say, that of limits, together with the other questions asserted by the parties in dispute, for in this case it would be justified in waiving the right of possession which it alleges in conformity with the pact of 1907 and its extensions, as a contribution to the peaceful solution of the dispute and to the peace of America.

What is the difficulty existing in the signing of a Protocol of Arbitration? The opposition of Bolivia. She demands that there be determined beforehand the zone which shall be submitted to arbitration, reserving from this moment a large part of the disputed territory. Paraguay also wishes, and with greater reason, because it has held the Chaco for approximately four centuries since the founding of Asunción in 1537, to establish beyond question its possession of all of the littoral; but convinced that she should neither impose her judgment upon Bolivia nor permit the latter's to prevail, she has suggested a double arbitration, to the end that there first be determined the specific subject-matter of the question in dispute, an honorable proceeding that none of the parties may reasonably reject.

D) Considering concretely the White proposal, it is sufficient to point out:

Article 1. It is harmless, unnecessary, inasmuch as Paraguay and Bolivia are adherents to the Pact of the League of Nations¹⁰ which covers the point in the article; to the Kellogg-Briand Pact;¹¹ to the Gondra Treaty;¹² and likewise the same obligation is contracted by both countries in the Díaz León-Gutiérrez Protocol of 1927,¹³ and in the final act of the Conferences of Buenos Aires of July, 1928,¹⁴ all of which, nevertheless, have not prevented military incidents in the fortines of the Chaco, and the repeated threats of aggression on the part of Bolivia. In spite of the above, Paraguay accepts article 1.

Article 2. Paraguay accepts the renewal of diplomatic relations with Bolivia, with the more reason because it did not cause their suspension. It was caused by a certain precipitancy of the Chancery of La Paz.

When the Argentine Chancery intervened in a friendly manner, before the two Governments, during the provisional presidency of General Uriburu, for the purpose of restoring relations, and when, not over two months ago, the present Chancellor of Argentina, Dr. Carlos Saavedra Lamas, made a suggestion to our Legation in Buenos Aires in the same tenor, Paraguay expressed, on both occasions, that it was disposed to renew relations.

As a proof of this good-will, the Paraguayan Government instructed its delegates in Washington to suggest immediate renewal of diplomatic relations, in a Protocol separate from the Pact under consideration; and in the proposed budget sent to the Congress, funds were included to provide for the Legation at La Paz.

Article 3. The agreement which this article imposes ought to be of a more concrete character. It should establish a clause such as the following, for example: "If this period expires (that of six months) and no agreement is arrived at, the Protocol of Arbitration to which the parties thereto subscribe on this date shall become effective. For this purpose it shall be considered as an integral part of this Pact".

As concerns the Protocol of Arbitration, it might be agreed to plan it in accordance with the bases of the "General Inter-American Treaty of Arbitration" of January 5, 1929.¹⁵

Article 5. Establishes a measure which jeopardizes the peace. Bolivia will endeavor, with a mere announcement of agreement on

¹⁰ *Treaties, Conventions, etc., Between the United States of America and Other Powers, 1910-1923* (Washington, Government Printing Office, 1923), vol. III, p. 3336.

¹¹ *Foreign Relations, 1928*, vol. I, p. 153.

¹² *Ibid.*, 1923, vol. I, p. 308; see also *ibid.*, 1928, vol. I, pp. 644 ff.

¹³ Signed April 22, 1927; for text, see despatch No. 275, April 29, 1927, from the Chargé in Argentina, *ibid.*, 1927, vol. I, p. 316.

¹⁴ *Ibid.*, 1928, vol. I, p. 675.

¹⁵ *Ibid.*, 1929, vol. I, p. 659.

this point, to advance her positions, following her policy of desiring to seize by military occupation the territory which is in dispute. This is able to cause the aggression to avoid which efforts are now being made.

Article 6. Upon the initiation of the Conferences in Washington, and later at the request of the Neutrals, Paraguay and Bolivia gave an undertaking not to advance their present positions and not to effect any movement or concentration of troops. Nevertheless Bolivia alarmed all America by the concentration of troops and military supplies which it made in Villa Montes.

Hence, a mere promise of Bolivia, without an effective guarantee, cannot offer Paraguay any assurance that the promise given will be carried out. It is for this reason that Paraguay demands the effective guarantee of an international character, in order that it may rest secure in the Pact which is signed.

Article 7. This article establishes the procedure of investigation in those cases in which incidents might occur between the armed forces of one or the other of the countries. This provision is unnecessary, both countries being signatories of the Gondra Treaty which establishes the method, tribunal, and procedures to be followed in investigations of the nature referred to.

If the Commission of Investigation is to be composed of citizens of those countries engaged in the dispute, it is not to be doubted that no conciliatory solution can be expected from the said Commission.

The same objection may be made to articles 7 [8], 9, and 10.

724.3415/1792 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, June 3, 1932—noon.

[Received 3:25 p. m.]

27. The Minister of Foreign Affairs today informed me that the Draft Pact had been favorably received by his Government which was animated by a sincere desire of conciliation and that the Bolivian reply could be sent within the next 10 days, accepting in principle but [with?] certain minor modifications, among which he mentioned as the most important;

1. In establishing the extreme positions complete freedom of action should be left to both parties as to their activities behind those lines;
2. The reference to the Gutiérrez-Díaz de León Protocol to be replaced by a general statement of the same tentative arrangement without mentioning that protocol;

3. Bolivia will suggest that the fifth member be selected by the President of the United States.

As to the renewal of the relations he said that his Government had inquired from the Argentine Government as to the status of the latter's offer of mediation, and if the reply were that it is no longer open, the question of the renewal of relations would be left to the neutral powers.

FEELY

724.3415/1803 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, July 6, 1932—6 p. m.

15. As you know, there is divergence of views between the Foreign Office and the Paraguayan Delegation regarding the pact of non-aggression. Department understands that Minister for Foreign Affairs considers the Paraguayan Government bound by the memorandum enclosed in your despatch No. 445 of June 2 and that this may prevent the Paraguayan Government from modifying its instructions to the delegation permitting it to agree to the draft pact of non-aggression. It has been suggested to the Department that it request the Minister of Foreign Affairs to withdraw the memorandum in question. As you stated that this memorandum had been given to the representatives in Asunción of the Neutral Governments, as well as to the Brazilian and Argentine Ministers, the Department is inclined to feel that such a request might be embarrassing to the Paraguayan Government. It is however important that the Paraguayan Government should not feel that it is so bound by the views expressed in that memorandum that it can not modify them. The Department therefore desires you to take the earliest possible opportunity, without divulging any of the foregoing, to say discreetly to the Minister for Foreign Affairs that as no proposal was made by the Neutrals to either Paraguay or Bolivia, the draft pact having been sent by each delegation to its own Government on the basis of the oral discussions, this Government has looked upon the memorandum merely as the preliminary views of the Paraguayan Government when the draft pact was first received. The two Governments having agreed upon oral negotiations and no project having been given by the Neutrals to the two delegations, no written reply to the Neutrals is expected. It is understood that the considered views of both Governments will be communicated by each delegation to the other at the next meeting to be held shortly in Washington. This Government therefore looked

upon the memorandum of June 1st merely as a courtesy on the part of the Paraguayan Government and as a sign of confidence on its part in this and the other Governments in advising them in advance of its preliminary views regarding the draft pact. You may say it is your own view that while this preliminary study apparently did not agree with all the points in the draft pact, you nevertheless hope that a further study, after an exchange of views with those concerned, may have led the Government to consider the pact more favorably so that when the views of the Paraguayan Government are finally expressed by the Paraguayan delegation in Washington you venture to hope that they will be found to be favorable to the pact.

Of course what you say should not be in the nature of representations but rather as divulging in casual conversation with the Minister for Foreign Affairs your and the Department's views in the matter. Please cable the result of your conversation.

STIMSON

724.3415/1811 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, July 6, 1932—10 p. m.

[Received July 7—4:40 a. m.]

41. Immediate for White.¹⁶ Instruction is being sent to the Paraguayan delegation to retire from the pact conference. The Minister for Foreign Affairs informs me that on June 15 Bolivian troops in a surprise attack made without provocation took Fortín Carlos Antonio López. First information was carried by fleeing members of its garrison and reached the Government here from Commander Estigarribia of the 1st Division. The truth of the account was doubted and he was appointed head of a commission to establish the facts, the news being suppressed here in the interest of the conference at Washington. The Commission's report was received here last night and fully verifies details, stating that the Fortín was found to be occupied by 250 Bolivian soldiers.

Two Paraguayan soldiers of the Fortín are missing and it is suspected that they are the two men reported some 10 days ago as having been executed by Bolivian troops as alleged spies. I have just left the President who said that the breaking off of the conference is forced upon the Cabinet by the internal political situation here and that if it were not ordered there would probably be popular upris-

¹⁶ Francis White, Assistant Secretary of State; Chairman of the Commission of Neutrals from 1929 to 1933.

ings when the news is made public tomorrow that would endanger the safety of the Government. Arbo is ill abed. The President expressed regret that the situation was such that no other action was possible in the temper of the people and that no warning thereof could be given to you or to the neutrals. He thinks the instructions will probably not reach the delegates before this reaches you and expressed the opinion that if the neutrals desire to make any representation through them to the Government here it would carefully be considered. The formal note from the Foreign Office, given to me tonight, announcing the instruction to the delegates states that the decision is one which the Government "is obliged to adopt in preservation of the nation's dignity and its own self respect". It adds "however great this Government's good will toward every negotiation for conserving peace, it cannot remain indifferent to an act treacherous and without possible justification".

WHEELER

724.3415/1811 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, July 7, 1932—noon.

16. Your 41, July 6, 10 p. m. Paraguayan delegates are now decoding their instructions. They will confer with White this afternoon. In the meantime please counsel moderation and patience to the Paraguayan authorities and suggest informally that they do not make any irrevocable statements or take positions which it will be difficult, if not impossible, to recede from. Please keep Department fully informed of all developments. When the situation is more crystallized it should be possible for the neutrals to suggest a way out, possibly that both parties submit their evidence regarding this recent outbreak to the neutrals in Washington for conciliation *pari passu* with the negotiations for pact of non-aggression. In the meantime it is most important that Paraguayan Government should make no statements or address notes to the neutrals or others taking a position which it later might feel it would have to adhere to. This is apparently what has happened in the case of the memorandum to the neutral representatives in Asunción of June 1st, referred to in Department's cable yesterday, and should be avoided in this case.

STIMSON

724.3415/1811 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, July 7, 1932—6 p. m.

17. Your 41, July 6, 10 p. m. Paraguayan delegation in accordance with instructions presented note¹⁷ today withdrawing from the conference. The note attacks the attitude of the Bolivian Government and mentions Paraguayan protest in March against Bolivian concentration of forces at Villa Montes and protests in May against periodic flights of Bolivian airplanes over Paraguayan positions. It finally mentions the alleged incident of June 15.

The Paraguayan delegation will not make any statement to the press regarding the delivery of the note nor will the Department make any statement regarding its receipt. An endeavor was made to persuade Paraguayan delegation not to present the note but they felt their instructions were so categorical that they had no alternative. Mr. Soler, who brought in the note, agreed that the note was inexpedient, and is cabling his Government in the premises.

Please see Minister for Foreign Affairs and, if necessary, the President at once and point out (1) that opinion in the Americas is apt to feel, on account of the already well known reluctance on the part of Paraguay to agree to the pact of non-aggression, that this incident is being alleged as a motive for breaking up the conference when in reality Paraguay does not want to sign the pact of non-aggression. It must be borne in mind that Bolivia denied troop concentration and airplane flights over Paraguayan positions and that Paraguay presented no proofs; (2) it required 2 years of negotiation for Paraguay to persuade Bolivia to discuss the Chaco matter in Washington and now that this is being done and most encouraging progress made, it would seem contrary to Paraguay's best interest to break off the negotiations now when there is apparently good hope for a successful conclusion; and (3) the situation in the Chaco will not be bettered but rather much aggravated by this action. In withdrawing from the conference, Paraguay loses access to neutral intermediaries for the solution of this incident and others which might arise as the result of breaking off the negotiations.

Please say to the Paraguayan authorities that there has apparently been no knowledge of this incident outside of Paraguay until today and that Paraguay's action will naturally come as a great surprise to all who are following the negotiations closely. No complaint has been made to Bolivia nor has Bolivia been given an opportunity to

¹⁷ Not printed.

explain its side of the case, to disauthorize the local commander if in effect the attack did take place, and thus to give satisfaction to Paraguay. It would seem therefore to the best interest of Paraguay not to present the note in question but rather to state the full particulars of the incident complained of, ask the neutrals to protest on Paraguay's behalf to Bolivia, and to request explanations and satisfaction from the Bolivian Government.

As said above, no statements will be made in Washington either by the Department or the Paraguayan delegation regarding the presentation of the note so that it may be withdrawn without embarrassment.

Press despatches from Asunción already report regarding this incident. Department earnestly hopes that Paraguay will not make any statements which will put it in a position from which it can not withdraw and Department again renews the suggestions made in its No. 16 of July 7, noon.

STIMSON

724.3415/1816 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, July 8, 1932—noon.
[Received July 9—9:35 a. m.]

44. Your telegram No. 16, July 7, noon. I had anticipated its first instruction and urged moderation of the Government's statements and attitude. In agreement with this the statement made public last night was restrained in tone, was designated merely as "information" and was given out by the Ministry of Interior instead of the Foreign Office.¹⁸ The popular feeling here today goes far to justify the President's assertion that any lesser measure would have meant an immediate and serious attack on the Government. I saw Arbo an hour ago. He is most pessimistic as to the efforts of the neutrals. He has apparently come to the end of his patience with Bolivia and has no belief that the break can be patched up, though he assures me that he will be guided by the informal suggestions conveyed in your above telegram. I learn however that since his talk with me he has given a press interview in which he stated that on no condition would Paraguay's delegation be permitted to linger in Washington or would Paraguay continue the conference.

I am confidentially and officially informed that the Government is in possession of absolute knowledge of the intended Bolivian cam-

¹⁸ See Paraguay, Ministerio de Relaciones Exteriores, *Libro Blanco*, I parte, 1933, p. 172.

paign of which the recent incident is the first step and that an attack on a second fortín is daily looked for. It is currently believed that the Bolivian attack of June 15 was followed by a Paraguayan counter-attack whose details have not yet reached here, but the War Office denies all knowledge of this.

WHEELER

724.3415/1814 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, July 8, 1932—7 p. m.

18. The Ambassador in Buenos Aires cables that President-elect Ayala yesterday told him that in his opinion only possibility of solving boundary controversy between Bolivia and Paraguay would be by strong pressure brought to bear on both Governments to submit the matter to arbitration. This is one more indication that perhaps Paraguay's present action is taken because it does not desire a pact of non-aggression. Other indications are length of time between supposed attack on the fort and knowledge of it being made public and the fact that the fort Carlos Antonio López does not appear on any of the maps of the parties and that the Bolivian delegation states that it has no knowledge of any fort of that name. Furthermore, this action follows on the heels of advice from the Bolivian Delegation received two or three days ago that it is ready to present the Bolivian point of view to the conference and that Bolivia accepts the draft pact with only suggestions for minor changes of no practical importance.

Has the Paraguayan Government fully considered the results of withdrawing from the conference? This action is a notice to the world that Paraguay does not desire to negotiate a pact of non-aggression with Bolivia and in view of the relations between the two countries is little short of a declaration of war. Have they considered how disastrous the latter might be?

If the attack on the fort actually did take place, the proper action for Paraguay is to send full particulars to the Neutrals and ask them to demand explanations and satisfaction from Bolivia. If Paraguay is dissatisfied with the draft pact, then it should make its point of view known and negotiate for modifications therein. The only indication as yet received here regarding Paraguay's views is that set forth in Arbo's memorandum to you of June 1st.¹⁹ There is nothing funda-

¹⁹ *Ante*, p. 15.

mental in those objections and does not give a basis for terminating the conference. The Neutrals have a right to expect that Paraguay will deal frankly with them as they are going to a great trouble on behalf of both countries to bring about a solution satisfactory to all.

While neither Arbo's memorandum to you referred to nor the Paraguayan Delegation have made any such statement to the Department, Department understands that it is perhaps felt in Paraguay that the draft pact of non-aggression establishes a new *status quo* line which will impair Paraguayan rights under the Soler-Pinilla Line of 1907. Article 4 definitely takes care of this point. Paraguay has in the past favored an arbitral settlement. Article 3 of the pact of non-aggression provides for such a settlement. Breaking off the negotiations will postpone and make the more difficult any such settlement.

Please discuss at once the matter frankly with the Paraguayan Government, pointing out the danger it runs in any such policy, and endeavor to learn what are the real motives back of their present action.

The matter has been discussed informally with the Neutrals who are in Washington and there will be a meeting Monday morning of all the Neutrals. Department desires as full information as possible before that time.

STIMSON

724.3415/1817 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, July 9, 1932—6 p. m.

[Received July 10—2:04 a. m.]

46. Your telegram No. 17, July 7, 6 p. m. This morning I discussed at length with Arbo the points of your telegram and again most strongly urged further consideration suggesting that the withdrawal the delegates, even if Paraguay felt bound to consider this a *fait accompli*, could readily be announced to be not a final cessation but a temporary suspension of their pact conversations pending examination and adjudication of the Fortín incident. I advised, as I had done in my conversation with the President on July 6, the forwarding of all facts and details for consideration of the neutrals. Arbo told me that recently there have been six instances, which have not been divulged, wherein Bolivian cavalry have driven Paraguayan outposts from their positions and have then retired to their own lines.

Following our conversation he went to consult the President. He promises to give me the Government's conclusion on July 12th, the

delay presumably being due to the necessity of a Cabinet meeting. I am not sanguine of the result.

Since the recent Bolivian concentration at Villa Montes pessimism as to Bolivia's intentions has been growing and there has been also an increasing dissatisfaction with the part played in the conference by the other neutrals who are considered to be lacking in interest and effort.

The press here today unanimously approves the action. Interviews with President-elect Ayala in Buenos Aires telegraphed here report his approval. His relations with the present Government however would seem to dictate such a public attitude.

WHEELER

724.3415/1818 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, July 10, 1932—6 p. m.

[Received July 11—6:35 a. m.]

47. This afternoon I had 2 hour's conversation with the President who summoned the Minister of Justice to take part, Arbo not being in Asunción. Factors in the way of solution are the political situation and the unanimity of the Cabinet that the withdrawal the delegates should be complete and final. I went very thoroughly into all phases of the matter with them. In my opinion it is impossible to gain the withdrawal the note and the only possible expedient would be the temporary suspension as outlined in the first paragraph of my telegram No. 46, July 9, 6 p. m. My neutral colleagues agree unanimously in this opinion. But though without instructions they are supporting officially and strongly my representation. The President is calling a special cabinet meeting tomorrow morning at 8 o'clock to reconsider the matter. He thinks it may require another Cabinet meeting Tuesday before decision is reached.

I have seen no indication that Paraguay does not at heart desire a pact of non-aggression provided a satisfactory one, containing a proviso for an arbitration, can be arrived at. None of my colleagues believes that the present action has been taken from such a motive. There are many indications to the contrary. Lapse of time between alleged attack and publication thereof is accounted for in my telegram 41, July 6, 10 p. m. The War Department declares the fort in question to be 35 miles west of the Paraguay River, 6 days' trip, without telegraph and telephone communications and to have been occupied by Paraguayan troops as an outpost during year past.

There appears to be no doubt that a Paraguayan counterattack to retake the fortín was made and the city is filled with rumors of its seriousness, most of which are no doubt exaggerated.

WHEELER

724.3415/1828a : Telegram

The Commission of Neutrals to the Paraguayan Minister for Foreign Affairs (Arbo)

[Translation]²⁰

WASHINGTON, July 11, 1932.

The representatives of the five neutral countries, in two prolonged sessions this morning and afternoon, profoundly alarmed over the possible withdrawal of your delegates and the imminent danger to the peace resulting from that act, and animated solely by the desire to continue to secure a prompt, just and final solution of the Chaco question, earnestly request the Government of Paraguay to modify its intention to withdraw from the Conference and kindly to send as soon as possible to the Commission of Neutrals in Washington, complete details regarding the original incident of June 15 and the incidents which have followed. The neutrals are also requesting from Bolivia similar information in order that, when both countries have wished to present their complete information, the neutrals may be in a position to suggest solutions for said incidents. While that investigation is being carried out and in order not to lose more precious time in the negotiation of some satisfactory pact of non-aggression (a step preliminary to the definitive solution or the arbitration) the neutrals request the Government of Paraguay kindly not to interrupt the action of its delegates.

HENRY L. STIMSON

Secretary of State of the United States

J. M. PUIG CASAUANO

Ambassador of Mexico

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

²⁰ Translation supplied by the editors.

724.3415/1831 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, July 15, 1932—1 p. m.

22. In a final endeavor to keep Government from breaking off negotiations, please call Minister of Foreign Affairs' attention to statements made by him before House of Deputies on June 15, as set forth in the second paragraph on page 10, first two paragraphs page 12, last paragraph page 15, and first paragraph page 16, of enclosure to your despatch No. 451 of June 16.²¹ His actions in terminating negotiations are directly contrary to these categorical statements to House of Deputies.

It should also be clearly understood that the proposed pact was not drafted by the Neutrals at all. Suggestions of both delegations were put together in a preliminary draft for the object of discussion. At the meeting of Bolivian and Paraguayan Delegations on May 6th this draft was completely gone over, revised, and rewritten by the two delegations themselves and the draft pact as presented on May 7th was the literal word for word copy of the pact as drafted and agreed to by the two delegations on May 6th.

Your 52, June [July] 14, 2 p. m., just received.²¹ Dept is gratified by Arbo's statement that Paraguayan retirement need not necessarily close the door to future conferences. If, without giving the Neutrals a chance to take action, Paraguayans withdraw, they will make it most difficult for the Neutrals to take any effective action thereafter. The normal course for Paraguay would have been to complain to the Neutrals regarding Bolivia's action and ask the Neutrals to obtain explanations and satisfaction from Bolivia. Paraguay however withdrew at once and as soon as the conference is broken up the effectiveness of the Neutrals will certainly be impaired. If delegates withdraw from the conference and sail for their own country at once, with whom are the Neutrals to deal on behalf of Paraguay? Paraguay's action in this matter and your No. 51 of July 13, 3 p. m.,²¹ last sentence make it evident that Paraguay is determined to take military measures. It would be well for Arbo and the rest of the Paraguayan Government to weigh carefully the heavy responsibility they will incur by any such action.

STIMSON

²¹ Not printed.

724.3415/1833 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, July 16, 1932—1 p.m.

[Received 3:55 p. m.]

53. Your telegram No. 22 of July 15, 1 p. m., was received at 10 o'clock last night and I made the instructed representation this morning. The following note in reply to the neutrals' cable of July 11 was sent. I transmit it:

[Translation]

“His Excellency Henry Stimson,
Secretary of State of the United States of America,
Washington.

Excellency: I have the honor to address Your Excellency and through you Their Excellencies the members of the Commission of Neutrals in reply to your telegraphic note of the 11th instant, with the request that you be good enough to send this reply to the said Commission.

My Government, Excellency, appreciates at its high value the noble effort of the Commission of Neutrals to prevent the closing of the conference for the negotiation of a pact of non-aggression because I understand that by means thereof there would perhaps have been obtained the signature of the pact which would have constituted a guarantee for peace without diminution of the honor to which my country aspires, but regrets its inability to defer to the request to revoke the decision to withdraw its delegates from the above-mentioned conference because the offense committed against the nation by the attack in the midst of peace on Fortín Carlos Antonio López (Pitiantuta) by regular troops of the Bolivian Army prevents it from continuing to treat with the aggressor without the latter's first giving a satisfactory explanation of the fact and just reparation of the damage caused.

However great our love of peace and our desires to settle the boundary dispute with Bolivia through juridical and conciliatory procedure, we cannot continue in that conference which was organized precisely at the initiative of the same Government which has just made an aggression upon us in a manner treacherous and wholly unjustified under law and international morality.

For the better comprehension of the attitude of my Government, I shall make a brief statement of the facts which form the basis for it.

In the morning of the 15th day of June of the current year the small garrison of five privates and a corporal of the above-mentioned Fortín Carlos Antonio López (Pitiantuta) was attacked by surprise by a detachment of regular troops of the army. In the assault the corporal at the head of the small garrison and one private disappeared, the remainder, pursued by the aggressors, buried themselves in the deep woods of the region and after three days of privations arrived at the quarters of the regiment, Colonel Toledo, situated

about 150 kilometers from the place. According to the dispersed soldiers, the attackers remained in possession of the fortín and of the equipment, tools, food and some rifles.

The above-mentioned soldiers communicated the news to the headquarters of the above-mentioned regiment. The commander of the division, Lieutenant Colonel Estigarribia, in view of the unusual character of the news, ordered a patrol under the command of Lieutenant Scarone to go to the place of the action to verify the information. The reconnaissance made by this officer on June 29, which cost the loss of two more soldiers of our army, verifies the sad truth that the fortín was in fact occupied by a detachment of about 200 men of the Bolivian Army.

In spite of the fact that to date your honorable Commission has not informed my Government of the cause, pretext, or motive which Bolivia adduces to explain or justify the action whereby she angrily broke off the Conference, this chancelry has learned from the publications of the Press that the Bolivian delegates presented a memorial to your honorable Commission in which they state that a detachment of troops of the Bolivian Army, under the command of Major Oscar Moscoso, while looking for water approached a small lake near Fortín Mariscal Santa Cruz, that the detachment found to the east of the lake an old abandoned cabin and, believing that it might be of Paraguayan ownership, went to the west of the lake to prevent any possible attack, that the detachment remained in that position from June 15 to June 29, on which date it had to face a surprise attack by a force of 50 Paraguayan soldiers, etc.

This communication, Excellency, in which the truth is twisted in an ignoble and perfidious manner, is demonstrating that Bolivia upon beginning the new adventure, which is pregnant with peril for the peace between the two countries, premeditated and carried it out with the deliberate object of putting an end to the conference, since, being able to give an explanation more in harmony with the reality of the facts and the geographic characteristics of the region, she chose another in which insult is added to injury.

The aggressors know that the building which they call an abandoned cabin is Fortín Carlos Antonio López located at 60° 20' approximately from the meridian of Greenwich to the north of the parallel passing through Fort Olimpo and on the shore of Lake Pitiantuta, a fortín which was occupied by the small detachment of regular forces of the Paraguayan Army which was attacked. Nevertheless in the memorandum in reference Bolivia affirms with most reprehensible audacity that the above-mentioned lake is found near the Bolivian Fortín Mariscal Santa Cruz, a fortín which, according to Bolivia's own maps is situated more than 100 kilometers to the northwest of the point mentioned. Neither do the aggressors mention in their memorandum that in the surprise attack of June 15 the corporal and private disappeared, and we do not know whether they are dead or alive in the power of the Bolivian Army. Neither do they state that the encounter of June 29 with the Paraguayan patrol, to which they refer, occurred when the latter was going to Fortín Carlos Antonio López, the reoccupation of which was opposed by the attacking Bolivian detachment.

With respect to the assertion that the position in which is located Fortín Carlos Antonio López was not occupied by Paraguay, it is also false since on the maps which accompanied the last memorial of reply of the delegation of Paraguay in the conferences of Washington it is clearly shown that all that region, as well as the greater part of the Chaco, is under the possession of Paraguay and that Bolivia holds only a part of this territory, thanks to the military advance of the last few years in violation of the statute established in the pact of 1907.

Paraguay, with the purpose of preventing clashes with the Bolivian Army, especially during the course of the conferences which were being held, ordered that the advanced positions should not be protected except with small detachments of not more than six to ten soldiers, but Bolivia instead of responding with like nobility to this conduct took advantage of it to attack us with very superior forces at Fortín Carlos Antonio López and possess herself of it after having organized, to the alarm of all America, a showy military concentration at Villa Montes hardly two months ago.

In view of the facts briefly set forth the members of the honorable Commission of Neutrals, jealous defenders of the honor and dignity of their respective countries, will understand fully the right my Government has to withdraw its delegates from the present Washington Conference.

What prospect of a reasonable and trustworthy agreement can be offered by a conference held in an atmosphere of shocks and anxiety constantly provoked by the bad faith, which is not even dissimulated, of one of the Parties. But the decision to which my Government sees itself obligated by the latest aggression which has caused the noble efforts of the Neutral Governments to fail does not mean that Paraguay considers closed the peaceful path which may lead to the solution of the long controversy. Paraguay does not deem that conciliatory procedures for the settlement of the dispute have been exhausted and is now, as always, disposed to hear and study any reasonable proposal suggested by the Neutrals whose earnest good will she does not cease to appreciate and be grateful for, which may tend to tranquilize spirits, either by the conclusion of a pact of non-aggression which is satisfactory because of its provisions and because of the dependability and honorability of the nations which guarantee its execution, or by a study of the fundamental question of the Chaco dispute to try to find for it a legal solution through the procedure of arbitration to which civilized countries appeal to put an end to their differences.

Paraguay, during the course of her boundary dispute with Bolivia, consistent with her history of clean diplomacy has given unequivocal proofs of her peaceful sentiments, has accepted all the conciliatory procedures, hitherto unfruitful, but her love of peace and harmony among nations will not prevent her from acting to safeguard her sovereignty and her dignity in harmony with the dictates of honor and the pride characteristic of her historical tradition.

Thanking once more the very worthy representatives of the Neutral Countries for their noble efforts to prevent the sky of America from

being darkened with the clouds of an international conflict, I have the honor to offer to Your Excellency the assurances of my highest and most distinguished consideration. (Signed) Higinio Arbo.⁵⁵

WHEELER

724.3415/1835a : Telegram

The Commission of Neutrals to the Paraguayan Minister for Foreign Affairs (Arbo)

[Translation]²⁴

WASHINGTON, July 18, 1932.

The representatives of the five neutral countries have read carefully the important message from the Minister for Foreign Affairs of Paraguay of the 16th of the present month.²⁵

They regret that Paraguay believes herself unable to assent to the request that she do not withdraw her delegates from the Conference of Washington, considering that the incident of June 15th prevents her from continuing to treat with Bolivia unless this country previously give a satisfactory explanation of the act.

In order to settle the incident the neutral representatives require time to obtain the indispensable information, and this would be impossible if Paraguay should close the door now by withdrawing her delegates without waiting.

After their message of the 11th, the neutral representatives requested greater details than those already presented to the Bolivian Delegation, and they have the satisfaction to inform the Government of Paraguay that the Delegates of Bolivia have emphatically stated to the Chairman of the Commission of Neutrals, that they have already requested, and await, new and complete information regarding the incidents of the 15th and 29th of June and all that relates to the settlement of these incidents, to be placed in the hands of the neutrals.

These statements are a basis of explanation and honorable solution, which the neutrals submit for the consideration of the Government of Paraguay. Basing its opinion on the new plane of the question and on the noble statement of Paraguay that she is disposed to listen to and study new proposals of the neutrals, they politely suggest that Paraguay do not withdraw her Delegates from the United States, in order to see if within a reasonable period the aforesaid incidents may be settled; the negotiations now very much advanced be resumed; the conclusion of a pact reached which shall honor and serve equally

²⁴ Translation supplied by the editors.

²⁵ See telegram No. 53, July 16, 1 p. m., from the Minister in Paraguay, *supra*.

Paraguay and Bolivia, which the Continent awaits with the most friendly and brotherly spirit.

As the Delegates of Paraguay leave tomorrow from Washington for New York and will embark on Saturday, the Government of Paraguay is earnestly requested to give them instructions not to absent themselves from the United States, while the neutral representatives try for a satisfactory settlement.

HENRY L. STIMSON

Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/1835 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, July 19, 1932—noon.

[Received July 19—11:55 a. m.]

37. The Bolivian General Staff received on July 18th at 9:45 p. m. the following report from the Commander of the 4th Division located at Fortín Munoz in the Chaco:

"The following communication was received today at 4 p. m. from the Commander of Fortín Santa Cruz:

"On July 15th at 12 noon our Fortín Mariscal Santa Cruz was surrounded by more than 300 Paraguayan troops. The combat continues.

The courier who brought this news to Fortín Munoz states that one Bolivian officer was wounded and two soldiers killed and adds that artillery fire could be heard. No other details available. (signed) Lieutenant Colonel Pareja."

Rumors of further activity in the Chaco were current on July 17th and although a denial was issued by the General Staff, a demonstration of about 200 persons, mostly students, paraded the streets that night demanding drastic action by the Government.

It is probable that further demonstrations will be held today, and although the press is calm, it will now be difficult to avoid a major conflict in the Chaco.

FEELY

724.3415/1837 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, July 19, 1932—10 p. m.

[Received July 20—5 :22 a. m.]

54. A communiqué given out by the Ministry of War states as follows:

“The commander of the 1st Division reports that a Paraguayan detachment has retaken Fortín Carlos Antonio López, capturing two heavy machine guns and a large quantity of munitions and rifles. Casualties 3 dead, 8 wounded, enemy losses more numerous. Fuller report is expected tomorrow or next day.”

News telegraphed here from La Paz of popular demonstrations in favor of war has produced like demonstrations here. Tonight students, after holding mass meetings in the squares, marched to the station to meet Ayala returning from Buenos Aires, and to the house of the President who addressed them. He declared Paraguay's counterattack the logical consequence and the legitimate punishment of an unjustified crime on the part of Bolivia. When Paraguay's fortín was assailed she was confidently assisting at conferences at Washington to bring about a non-aggression pact proposed by Bolivia herself. Paraguay's honor had been avenged and satisfaction taken and with this the nation was satisfied. She would never provoke a war but if Bolivia insisted on her policy of aggression and illicit and violent penetration into Paraguayan territory Paraguay would rise as one man. He closed with an appeal for calmness and confidence in the Government. A Cabinet meeting has been called for tomorrow.

WHEELER

724.3415/1839 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, July 20, 1932—9 p. m.

[Received 10:18 p. m.]

39. The Minister for Foreign Affairs informed me today that news had been received of the death of five Bolivian soldiers at or near Fort Mariscal, Santa Cruz, but that no further details were available.

The Government yesterday inaugurated censorship of mails and telegrams, and has obtained an advance of 5,000,000 bolivianos from the Central Bank with interest at 5 percent.

While the city is quiet today, the feeling of the press and the public is that a state of war now exists.

It is estimated that 15,000 people participated in last night's orderly demonstration to the two regiments that left for the Chaco.

The military authorities are requisitioning foodstuffs, motor trucks, gasoline and other supplies, and the 1930 reservists have been ordered to report for duty.

FEELY

724.3415/1847a : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Zalles)*

[Translation]

WASHINGTON, July 21, 1932.

The representatives of the five neutral countries have the honor to communicate to the Government of Bolivia that on the 18th instant they informed the Government of Paraguay that the Bolivian delegation had requested of its Government complete information regarding the incidents which occurred since the 15th of June and that Bolivia placed itself in the hands of the neutrals for the settlement of those incidents.

They ask, therefore, the Bolivian Government to send to its delegates, by cable as quickly as possible, this information.

The neutral representatives request of the Bolivian Government the immediate suspension of all acts of armed hostilities which might aggravate exceedingly the actual situation and render nugatory the efforts being made for peace.

At this moment they are addressing the Government of Paraguay²⁶ making identic representations and requesting data and explanations necessary for the study of the incidents which have occurred in the Chaco from the 15th of June on.

HENRY L. STIMSON

Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

²⁶ Telegram not printed.

724.3415/1850 : Telegram

*The Paraguayan Minister for Foreign Affairs (Arbo) to
the Secretary of State*²⁷

[Translation]

ASUNCIÓN, July 22, 1932.

[Received 1:10 p. m.]

I reply note 21st instant from Your Excellency and members Commission of Neutrals²⁸ advising you that I have today telegraphed Paraguayan delegates ordering them to return your city to consider Your Excellency's suggestion. Consistent with peaceful policy my Government I advise Your Excellency that Paraguay is not committing and will not commit any act of armed hostility against Bolivia, this statement not to be construed as renouncing legitimate defense to which she must pay attention in view of the warlike preparations of the opponent, and to which she is entitled by elemental principles of self-defense and sovereignty recognized in solemn international treaties.

Again thanking Your Excellency for your noble interest in the preservation of peace, which my country greatly desires, I greet Your Excellency [etc.]

HIGINIO ARBO

724.3415/1870 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to
the Secretary of State*

[Translation]

LA PAZ, July 24, 1932.

[Received 12:10 p. m.]

840. My Government has received the cablegram signed by the representatives of the neutral countries²⁹ in which cablegram they request that we send to our delegates information on the incidents in Chaco of the 29th of June and the subsequent ones. In the same cablegram they request of Bolivia the immediate suspension of every act of hostility. They add that they have addressed the Government of Paraguay with identic recommendations. A second cable of the 22nd³⁰ transcribed to us the reply of the Republic of Paraguay in-

²⁷ Copy transmitted to the Bolivian Minister for Foreign Affairs by the Commission of Neutrals in telegram dated July 22.

²⁸ Not printed; see last paragraph of telegram to the Bolivian Minister for Foreign Affairs, *supra*.

²⁹ Dated July 21, p. 35.

³⁰ See footnote 27.

structing her delegates to return to Washington. My Government is grateful for the interest in peace which is displayed by the representatives of the five neutral countries which had charge of the negotiations on the pact of non-aggression proposed by Bolivia and formulates the following declarations: our pacific attitude has been fully proved by our initiating the pact together with our stay at Washington until the attack of Paraguay in Chaco and more specifically by having accepted with slight modifications the draft of Mr. White³¹ which contained the basic points of every non-aggression convention not to advance, not to attack, and to submit any incident which might arise to a commission of neutrals. Paraguay did not accept these bases and attacked us on the 29th of June, causing us various casualties. It created the pretext for retiring from the conferences, categorically setting aside the earnest request of the neutrals, to return to them. Subsequently it repeated the aggression on a large scale the 15th of July by attacking with 500 soldiers our post on the western shore of the Chuquisaca lagoon. Paraguay did not accept any investigation of the events of June 29. It could have brought to the conferences of Washington any observations. It withdrew from the conference in order to attack us without previous declaration of war. After the attack, she presents herself again at Washington, making a show of pacific intentions (*pacifismo*). This is mockery of the reality of events and a mockery not only for us but for the neutrals themselves. The aggression of the 15th of July has deeply moved the whole republic in an extraordinary way. Bolivia is weary of these Paraguayan aggressions so often repeated, and does not desire to lend herself to new simulations. Already in cable of the 20th, we stated to our delegates that in view of the repeated acts of violence of Paraguay we cannot continue in conversations without diminishing the dignity of our country.

I greet your Excellency [etc.]

JULIO A. GUTIÉRREZ

724.3415/1870 : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*

[Translation]

WASHINGTON, July 25, 1932.

The representatives of the five neutral countries have received the cablegram of the Minister of [Foreign] Relations of Bolivia of July 24. They are very sorry to know that the Government of Bolivia

³¹ Presumably the Draft Pact of Non-Aggression of May 6, p. 8.

on July 20 informed the delegates of Bolivia that it did not think it could continue conversations with Paraguay without prejudice to the dignity of Bolivia.

The representatives of the neutral countries believe that the interests of Bolivia and Paraguay as well as also those of the whole Continent would be better served by a continuance of the negotiations, already well advanced, for a non-aggression pact.

They are convinced that if both countries would submit full details to them on the incidents that have occurred in the Chaco from June 15 to date a solution could be found, and at the same time the signature of a non-aggression pact could be reached.

The neutral representatives were pleased to find these same points of view expressed in the memorandum of June [July] 9 which was presented to them by the delegates of Bolivia.³²

In that memorandum it is said:

"After the peaceful happening of the 15th day of June, when Major Moscoso took his position in an unoccupied place, a protest would have been admissible on the part of the Government of Paraguay, if it deemed its right infringed, and the Government of Bolivia would have hastened to explain the occurrence. . . .³³

Notwithstanding the new and unjustified Paraguayan aggression, Bolivia thinks that there is no sufficient reason for breaking off the negotiations. On the contrary, she believes that there is greater and more urgent need of arriving at an agreement which may avoid so abnormal and dangerous a situation as the one which now prevails in the Chaco."

Besides, the neutrals could not but be pleased with the declaration made by the delegates of Bolivia on July 18 in the sense that the Delegation was placing itself in their hands for the conciliation of the incident of July 15 and the subsequent incidents. On the basis of all these declarations the neutral representatives addressed themselves to Paraguay and obtained her [consent for] her Delegation to return to Washington, which it did on the 23rd instant, to consider our suggestions.

Although it is true, as your cablegram says, that Paraguay has not as yet accepted the bases of a non-aggression pact laid down in the draft prepared by the delegates of Bolivia and Paraguay on May 6, the neutral representatives have asked the Government of Paraguay to give instructions to its Delegation by cable permitting it to sign a non-aggression pact which may honor and serve Bolivia and Paraguay equally and avoid further armed conflicts.

³² Not printed.

³³ Omission indicated in the original telegram.

The neutral representatives have full confidence that these instructions will arrive soon.

With reference to your declaration that Paraguay has not accepted any investigation of the events of June 29, the neutral representatives have the honor to inform you that in their cablegram to the Government of Paraguay of July 21 they asked that there be sent by cable as soon as possible complete information on the incidents which had occurred in the Chaco from June 15 to date and in his reply of the following day the Minister of [Foreign] Relations of Paraguay said that the Paraguayan delegates had been ordered to return to Washington "to consider Your Excellency's suggestion".

The neutral representatives understand from this that Paraguay will soon transmit complete details concerning all these incidents in order that they may be able to find a solution for them.

In view of the foregoing, as well as the declaration made in the cablegram of the Minister of Foreign Relations of Paraguay which was transcribed to you on July 22, that Paraguay is not committing nor will it commit any act of armed hostility against Bolivia, the neutral representatives again urgently request the Government of Bolivia to make an analogous declaration. They ask also that Bolivia send to her delegates by cable, as soon as possible, complete details on all the incidents which have occurred in the Chaco from June 15 to date, which may permit the neutrals to find a satisfactory solution of the said incidents. They request of the Government of Bolivia also to authorize its Delegation in Washington to continue the negotiations concerning a non-aggression pact in order to prevent future incidents.

HENRY L. STIMSON

Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/1870 : Telegram

*The Commission of Neutrals to the Paraguayan Minister
for Foreign Affairs (Arbo)*

[Translation]

WASHINGTON, July 27, 1932.

In view of the rumors which have reached us concerning warlike preparations which are being carried out in the Chaco region, we earnestly beg the Government of Paraguay to be good enough to give its instructions to the appropriate person that no hostile acts be carried out in the Chaco region which might aggravate the present situation and render ineffective the good offices of the Neutrals.

We are addressing the same request to the Government of Bolivia.

HENRY L. STIMSON

Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/1821 ½

*The Paraguayan Delegate (Soler) to the Chairman of the
Commission of Neutrals (White)*

[Translation]

WASHINGTON, July 27, 1932.

MR. PRESIDENT: In accordance with our telephone conversation of yesterday, I have the pleasure to confirm to you in a note, the remarks which are suggested to me by the paragraph of the last cable from the Neutrals to the Government of Bolivia,³⁴ in which it is affirmed that the draft pact of non-aggression of May 6, last, was drawn up by the delegates of Bolivia and Paraguay.

The delegation of Paraguay could not accept the authorship of the draft, without manifest injustice. Neither Dr. Vasconsellos nor the undersigned did any more than collaborate, in our character as negotiators, in the changes made in the draft before its official submission to both delegations. At the time, the draft seemed to us absolutely

³⁴ Dated July 25.

unacceptable, and if we received it, it was for the sole purpose of sending the text thereof to our Government, which needed to know it in order to send us instructions.

At the time of receiving it, we gave it a rapid reading, especially to correct the form of it, subject to the privilege of taking advantage of the opportunity to improve the draft in accordance with our points of view, in so far as we were permitted to do so by the opposition of the delegates of Bolivia, but we never gave the draft our acceptance. On the contrary, more than once, both in our informal conversations with Your Excellency and in those held under your presidency with the delegation of Bolivia, we clearly made known our lack of agreement on certain points. With respect to the *status quo*, we declare, for example, today as yesterday, that we will never sign any agreement which does not contain a reservation expressing the rights of our country to the *status quo* of 1907.

The White draft, as it is called, doing justice to its illustrious author, contains the bases which are to form the subject of discussion in the following conferences, provided that both delegations receive the necessary authorization and instructions to study it. It is in that sense that we received it and transmitted it to our Government.

My colleague, Dr. Vasconellos, is absent,³⁵ but I make these explanations in his name and my own, because I am sure of interpreting the scope of his ideas and his words, which have always been as categorical as those herein stated.

I avail myself [etc.]

JUAN JOSÉ SOLER

724.3415/1821 ½

The Chairman of the Commission of Neutrals (White) to the Paraguayan Delegate (Soler)

WASHINGTON, July 28, 1932.

MY DEAR MR. SOLER: I received today your letter of the twenty-seventh in which you referred to a telephone conversation of July twenty-sixth in which you made certain observations to me regarding the statement that the pact of non-aggression of May sixth was drafted by the Delegates of Paraguay and Bolivia. This matter, you will recall, was also discussed by us in conversation in my office yesterday, at which time I went over with you the history of the negotiation of that pact, and also learned from you, for the first time, certain facts regarding the attitude of your Government in the matter. In order to avoid any possible misunderstanding in the future, I will set forth these statements herewith:

³⁵ For personal reasons, Vasconellos had returned to Asunción.

At the sixth formal meeting of the two Delegations on April fifteenth, I suggested that we set aside the written exchanges between both Governments and enter at once into an oral discussion of the bases of a pact of non-aggression. Both Delegations said that they would consult their Governments on this point and, having been authorized to do so, the first meeting of this sort was held on April twenty-second.

At that meeting I suggested that we try then and there to draft the various articles of a pact of non-aggression. The opinion was expressed, however, that any proposal suggested by either of the parties would be objected to by the other and I was asked to draw up a draft. I stated that before doing so I should like to know the views of both Delegations regarding the scope of the pact and just what should be included therein. You will recall that you suggested the inclusion of a statement similar to the resolution drawn up at the Sixth International Conference of American States³⁶ and this was agreed to by the Bolivian Delegation. Mr. Finot suggested an article bringing about the reestablishment of diplomatic relations and this was assented to by you and Mr. Vasconsellos. Mr. Finot likewise suggested reference to a settlement of the definitive question by arbitration and this was accepted by the Paraguayan Delegates. I asked for further suggestions but Mr. Vasconsellos thought it would be better if each Delegation would meet separately with me. I asked if we could not start drafting the text of the articles covering the matters which had already been proposed but this also was objected to by the Paraguayan Delegation. We consequently adjourned and during the next two weeks the two Delegations met practically daily with me.

In the course of these meetings with me, the Paraguayan Delegates stated that they wanted to put in a statement regarding the *status-quo* line of 1907. I discussed the matter with the Bolivian Delegates and found that they were opposed thereto. I then suggested to both Delegations, as a way out, that the pact of non-aggression should not alter the juridical position of either party in any manner whatsoever. The object of the non-aggression pact was to bring about an effective cessation of hostilities while the controversy was being settled by arbitration. It was not the object of the pact to change the juridical status of the parties so that they would either be benefited or prejudiced in submitting the matter to arbitration. Article IV of the pact was drawn up with this object in view.

I first drew up a rough draft of the pact in English. You and Mr. Vasconsellos said that you would like to see a Spanish text. To the

³⁶ Resolution of February 18, 1928, concerning aggression, *Sixth International Conference of American States, Havana 1928, Final Act*, p. 179.

best of my ability I translated what I had drawn up into Spanish. I discussed this informally with you. You stated that you wanted to take notes in order to communicate with your Government and you therefore, in my office, jotted down a summary of every article in the pact and you took down textually the whole of Article IV and the parts of Articles III and V which you thought pertinent in order to communicate with your Government. After doing so, you came back to see me on several occasions and asked for modifications in the wording itself. Each time you did so, I took note of what you desired and discussed the matter with the Delegation of Bolivia. Certain of the changes were conceded by them and others were not. The Bolivian Delegation, on the contrary, made counter proposals and these I discussed with you and when the two Delegations were then in agreement upon the text of the essential portions of the pact a meeting was held on May sixth, at which a copy was given to each member of both Delegations, and it was completely rewritten and revised by them. This revision had to do not only with corrections in the Spanish text but also with the subject matter. At no time during that meeting or in our subsequent discussions did you or Mr. Vasconsellos state that the project appeared to you absolutely unacceptable and your statement to that effect in your letter under acknowledgment is the first indication I have had in that regard.

After you had taken copious notes regarding the pact, had told me that you had communicated with your Government by cable, and had then taken part in the revision and drafting of the pact in its final form on May sixth without stating that you were opposed to the pact but merely saying that you were referring it to your Government for instructions, and in view of the fact that the Delegates of Paraguay had told me in previous meetings that if the wording of Article IV could be changed, as it was in effect changed, you would then be able to support the pact with your Government, I naturally understood that the Paraguayan Delegation was in favor of the pact, and that in view of your consultation with your Government by cable, and in the absence of any statement to the contrary, your Government also was in accord with the general principles thereof. I naturally thought there might be suggestions for changes of wording here and there but that in the main the basic principles were accepted.

It was only in our conversation in my office yesterday that I learned from you that your Government, when you consulted them by cable, had asked for the text of the agreement. In our conversations between April twenty-second and May sixth you had asked me for a copy of the draft pact and I had stated my readiness to call a meeting at any time to discuss the matter between the two Delegations and sub-

mit the text to both. You stated that you wanted a copy of the text before the meeting with the Bolivian Delegation. I told you that I would be willing to give you such a text but that I would of course immediately give a copy of the same text to the Delegation of Bolivia. You demurred at this but I stated quite frankly that I always had in the past and would continue to treat both Delegations on exactly the same basis and that if I gave you a copy I would give a copy also to the Bolivian Delegation. I read the pact through orally to both Delegations so that they could make any suggestions they wished and let both Delegations take any notes they desired. You took copious notes but the Bolivian Delegation did not, saying that they were content to wait until the text should be elaborated finally between the two Delegations.

In our meeting on the twenty-seventh instant you told me that when you cabled to your Government the summary of the pact and the wording of portions thereof and requested instructions regarding additions or deletions to the pact, while the negotiations were still in a formative informal stage, your Government replied that it would not send instructions until it had the full text of the pact. You stated that that was the reason why you had said that you were ready to meet with the Bolivian Delegation to draw up with them the final text of the pact to be submitted to both Governments.

The statement made by the Neutral Representatives that the pact of May sixth was drawn up by both Delegations is strictly in accordance with the truth. It was not known, until your explanation of July 27 was made, that you collaborated in the drafting merely to have a text on which your Government could base its instructions and, had the facts which you told me on July twenty-seventh been known earlier, the wording of the telegrams referring to this pact would have been changed in order to have avoided causing you any possible embarrassment. I have never referred to the pact as the White draft because I obviously did not want to be credited with work done by others who should have received the credit. I am in complete accord with the pact, however, and feel that it offers an honorable basis of a solution to both countries. If it would have avoided any embarrassment to either of the Delegations concerned, I would of course gladly have accepted full responsibility for the draft. Hereafter we will refer to the draft as the Pact drawn up on May sixth or the Pact of May 6, 1932.

Not having received your explanation as above set forth until July twenty-seventh, you can well imagine my surprise when I learned that there was opposition to the pact in Paraguay, as the only facts which I had certainly tended to indicate that the pact was agreeable

not only to the Paraguayan Delegation but to the Paraguayan Government and also to the Bolivian Delegation.

In closing, it may be well to run over briefly the pact, which you now, to my intense surprise, say is absolutely unacceptable to you:

The preamble and Article I are taken from the Resolution of the Sixth International Conference of American States. This was suggested by you.

Article II deals with the renewal of diplomatic relations and this topic was assented to by you and Mr. Vasconellos at the April twenty-second meeting.

Article III is an agreement of the parties to enter into a direct arrangement and, if that should not be possible, then to submit the solution of the Chaco controversy to arbitration. The subject matter of this article was proposed by Mr. Finot in the meeting of April twenty-second and agreed to by you and Mr. Vasconellos. You took notes regarding the wording of the important sentences in this article and, at your suggestion, modifications therein were made which were accepted by you.

Article IV, as stated above, was put in to maintain unchanged and unaltered, without benefit or prejudice to either party, the existing juridical status of the fundamental controversy. You wrote down in my office the complete text of this article, apparently consulted your Government regarding it, and suggested modifications. The extreme modifications suggested by you, which were designed to reestablish the *status quo* line of 1907, and which the Bolivian Delegation felt would modify the juridical status of the matter to your advantage, were not accepted by them but certain modifications in phraseology were accepted as well as other counter proposals made by them. The wording finally used was that agreed upon by the two Delegations as maintaining unchanged, without benefit or prejudice to either party, the juridical status of both, so that this pact will not affect in any way their case to be submitted to arbitration.

Article V was drafted after consultation and agreement with both Delegations in order to make easier the fixing of responsibility for any future aggression in the Chaco. The last paragraph of this article, in addition to article IV, was designed to maintain unimpaired the juridical status of the parties in the Chaco.

Articles VI, VII, VIII and IX have to do with the preservation of peace in the Chaco and the investigation of any future conflicts or incidents. As there are at present no treaties or conventions in effect to this end between Paraguay and Bolivia, the Hague Conventions,³⁷

³⁷ Of July 29, 1899, and October 18, 1907, *Foreign Relations*, 1899, p. 521 and *ibid.*, 1907, pt. 2, p. 1181.

the General Convention of Inter-American Conciliation,³⁸ the General Treaty of Inter-American Arbitration,³⁹ and the Treaty to avoid or prevent conflicts between the American States (the so-called Gondra Treaty),⁴⁰ not having been ratified by both the parties in conflict, it was necessary to draw up some machinery for this purpose. These articles were drafted with that end in view and you will note that they are an adaptation of the so-called Gondra Treaty which has already been ratified by Paraguay.

Article X is the usual article regarding ratification.

I am glad to note your statement that the draft pact of May 6 offers a basis of discussion in coming conferences when I trust that it will be possible promptly to arrive at a text agreeable to both Governments.

I am [etc.]

FRANCIS WHITE

724.3415/1882 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez)
to the Secretary of State*

[Translation]

LA PAZ, July 28, 1932.

[Received 10:10 a. m.]

My Government has received the new cablegram from the representatives of the neutral countries, dated the 25th instant, in which they repeat their request that we return to Washington and submit the Chaco incidents to the cognizance of the neutrals. They remind us of the communication of July 9 from our delegates,⁴¹ in which they stated that the occupation of the Chuquisaca Lagoon by Major Moscoso on June 15 and the first Paraguayan attack of June 29, might be a subject for the cognizance of the neutrals, as it was the opinion of Bolivia that, notwithstanding the unwarranted aggression of June 29, negotiations as to the pact of non-aggression should not be suspended. They also remind us of the statement of our delegates on July 18, offering to place in their hands the matter of conciliation in connection with the incidents of July 15 and thereafter. They add that Paraguay consented on July 23 to the return of her delegates to Washington. We reply in the following terms:

"First, it is necessary to clear up a few facts mentioned in the cable referred to. It is true that our delegates, in a memorandum of July 9,

³⁸ Signed at Washington, January 5, 1929, *Foreign Relations*, 1929, vol. I, p. 653.

³⁹ Signed at Washington, January 5, 1929, *ibid.*, p. 659.

⁴⁰ Signed at Santiago, May 3, 1923, *ibid.*, 1923, vol. I, p. 308; see also *ibid.*, 1923, vol. I, p. 644.

⁴¹ Not printed.

stated that with regard to the occupation of the west shore of the Chuquisaca Lagoon on June 15 and the attack of the 29th of that month, the former might be made the subject of a Paraguayan claim and the second a subject of cognizance by the neutrals, thus giving on our part the best proof of pacific intentions in offering to continue the conferences, notwithstanding the Paraguayan aggression which took place on June 29.

Second, the verbal statement of our delegates to Mr. White on July 18 offering to place in the hands of the neutrals the settlement of the incident of July 15 is not in conformity with the facts and the dates. That statement of the 18th still referred to the attack of June 29 and not to that of July 15. Our delegates could hardly on July 18 submit for conciliation, the armed attack of the 15 of this month, as it was only on the 19 that the news of this second Paraguayan attack was received. According to communications from our delegates on the 20 and 21 of July, in that conversation with Mr. White, reference was made to the incidents of June 15 and 29 and not to the powerful aggression of July 15. We desire to have this explanation perfectly clear.

Third. If our proved pacific intentions led us to continue in the conferences notwithstanding the first attack of June 29, the most elementary (considerations of) dignity demanded that we declare the conversations at Washington at an end upon the repetition of Paraguayan aggression on a large scale.

Fourth, Paraguay opposed continuing the conferences after attacking us on June 29. She broke them off in order to carry out with premeditation the aggression of July 15. After it on July 23 she showed herself very determined to continue them, declaring that she would not commit any act of armed hostility against Bolivia. This declaration would have been timely and significant before committing the two acts of aggression (but when) made subsequently it amounts to adding insult to injury. However great may be the sentiments of gratitude we owe to the neutral Governments which so generously intervene in this dispute Bolivia can do no less than to reaffirm the ideas expressed in our cablegram of the 24th instant."

I greet Your Excellency [etc.]

JULIO A. GUTIÉRREZ

724.3415/1889 : Telegram

*The Paraguayan Minister for Foreign Affairs (Arbo) to
the Secretary of State*⁴²

[Translation]

ASUNCIÓN, July 28, 1932.

[Received 4 :25 p. m.]

I am replying to the telegraphic note of yesterday from Your Excellency and members of the Commission of Neutrals in which it

⁴² Copy transmitted to the Bolivian Minister for Foreign Affairs by the Representatives of the Neutral Countries in telegram of July 28.

is requested that Paraguay commit no hostile act in the Chaco which may aggravate the present situation and make good offices ineffective. In accordance with pacific purposes my Government I confirm promise made my despatch 22nd instant that Paraguay will not commit any act of hostility against the Bolivian forces and that at present she is limiting herself to taking precautions to defend herself in view mobilization two classes reserves decreed by Bolivian Government and active concentration elements on the Chaco which is being carried on. In requesting from us for the second time paralysation military activities, we assume Your Excellency has some confidence that Bolivia also will accede request, for which reason I ask that Your Excellency be good enough to give me an answer as soon as possible, as it would not be just that our love of peace prejudice defense of our country, which might occur if Bolivia turns a deaf ear to the call for peace while our country heeds it.

HIGINIO ARBO

724.3415/1873 ½

*The Chairman of the Commission of Neutrals (White) to
the Paraguayan Delegate (Soler)*

WASHINGTON, July 29, 1932.

DEAR MR. SOLER: I have received your letter of July twenty-ninth⁴³ and presented it to my Neutral Colleagues in a meeting which we had this afternoon.

I am directed by them to thank you for advising us that you received last night by cable a report with the details requested by the Neutrals regarding the recent occurrences in the Chaco on June 15 and 29 and July fifteenth. I am directed by them to request you to forward to the Neutral Commission as quickly as possible the report⁴⁴ with the details above mentioned.

With reference to your statement that the Neutral Commission has been constituted into an investigating commission, I am directed to point out to you again, as I did in our conversation of July 23, that the Neutral Representatives have been functioning since the eleventh of last November and that no further organizing was or is required. I am directed to point out to you, as I did on that date, that the Neutral Representatives expressly did not go into any subtle distinctions as regards mediation, conciliation, investigation, good offices,

⁴³ Not printed.

⁴⁴ Not found in Department files.

et cetera, but merely requested the Paraguayan and Bolivian Governments to send us information regarding everything that has happened in the Chaco from June 15 to date in order that the Neutral Representatives in Washington might be able to find a solution of the difficulties. In our conversation of that date, I read you the Spanish text of a telegram which was sent to the Minister of Foreign Affairs of Paraguay on July 11 in which we requested complete details regarding the original incident of June 15 and the incidents which have followed it in order that when the information requested from both Governments had been received "los neutrales puedan estar en posicion de sugerir soluciones a dichos incidentes".

I am [etc.]

FRANCIS WHITE

724.3415/1915 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to
the Secretary of State*

[Translation]

LA PAZ, August 1, 1932.

[Received 5:16 p. m.]

I have the honor to acknowledge receipt of the cables of the 29th and 30th of July⁴⁵ which representatives of neutral countries addressed to us with relation to the conflict with Paraguay, requesting, from us, reports on the most recent events and asking us whether we would be disposed to accept an investigation of them, and a reply on the request to give orders to prevent acts of hostility in the Chaco. At the same time they communicate to us that Paraguay has denied the attack on our Fortín Florida. It is our duty to reply as follows: We have been giving information on the occurrences in the Chaco since the conferences on the pact were closed, for the purpose of making known the historical truth, without having submitted the said events for conciliation. We have acceded to continuing the discussion of the pact even after the attack of June 29. But the aggression of July 15 changed the situation. Paraguay, who did not accede to continuing the negotiations after the attack of the 29th of June, attacked us anew on the 15th of July. This aggression obliged us to send reinforcements to the Chaco to make ourselves respected. In the denunciation which we made on account of the attack on Fortín Florida, we referred to the despatch of the commandant of the

⁴⁵ Not printed; for Spanish text of cables, see Bolivia, Ministerio de Relaciones Exteriores, *Memoria*, 1934, pp. 73-74.

Fortín. That attack took place on the 25th of July after a previous incursion of the Paraguayans at the same place. Investigations which do not define the fundamental question do not interest us. Bolivia desires the final solution of the controversy. It does not desire to be perennially on guard in the Chaco checking the advances of Paraguay. It is for this reason that the country has reacted with all its forces resolved to liquidate the controversy even by arms. We are defending a territory which we consider historically ours. We have a right to the littoral on the river Paraguay. Subsequently to the 15th of July Paraguay attacked us at Fortín Florida. We have seen ourselves obliged to take reprisals for these attacks and have occupied three Paraguayan fortines. In the year 1928 Paraguay attacked us likewise. The country desires to stop such proceedings. At the present time Paraguay is concentrating troops in the Chaco. While she maintains this aggressive campaign, we reply categorically that we shall maintain the same attitude.

I greet Your Excellency [etc.]

JULIO A. GUTIÉRREZ

724.3415/1912 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, August 1, 1932—5 p. m.

[Received 6:28 p. m.]

46. As Bolivia has repeatedly stated in its replies to the neutral governments, that it has no faith in negotiations and investigations that do not attack the fundamental question, and as the whole country is ready to make the maximum sacrifice in order to terminate at once the dispute with Paraguay even if it must be by force of arms, I would respectively [*respectfully*] suggest that the time is now opportune for the neutrals to propose to Bolivia and Paraguay that they accept an immediate armistice on the basis of present possessions, and that in the meantime a plan for the settlement of the fundamental question be prepared for later submission to the two Governments.

There exists a national demand for war, but I am convinced that an active action on the part of the neutrals in the sense I have suggested would be accepted by Bolivia.

I informed the Minister for Foreign Affairs this morning that I was making an important suggestion to the neutrals today, which if

accepted, might lead to a cessation of hostilities, and asked him to give me the assurance that there would be no further attacks until a reply to this telegram was received. He gave me this assurance at noon today after a conference with the President.

FEELY

724.3415/1915 : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*

[Translation]

WASHINGTON, August 2, 1932.

The representatives at Washington of the neutral nations acknowledge the receipt of the cablegram from the Minister of Foreign Relations of Bolivia in reply to their cablegrams of July 29 and 30. They regret to note that Bolivia is not interested in investigations of the recent occurrences, and will not give orders to her troops not to commit hostile acts in the Chaco. Bolivia states that she is not interested in investigations which do not define* the fundamental question. The neutrals established no connection between the investigation of the present conflicts in the Chaco and a definitive settlement, being of the opinion that the first step necessary is to clear up the present misunderstanding and take measures to prevent further clashes, while the question is being definitively settled. They cherish the hope that the declaration of Bolivia expresses the desire for a final solution of the controversy.

It seems unnecessary to recall once more the efforts made by the representatives of the neutrals since December, 1928,⁴⁶ to reach a definitive solution.

The representatives of the neutrals, encouraged by those declarations, and in order that they may be certain that they understand Your Excellency correctly in this matter, request the Government of Bolivia to send them as soon as possible a declaration as to whether it agrees (1) to a suspension of hostilities on the basis of the possessions maintained by Bolivia and Paraguay on June 1, 1932, and (2) to enter immediately thereafter into negotiations with Paraguay for the submission of this controversy at once to settlement by arbitration or by other amicable means which may be acceptable to both.

If the representatives of the neutrals have correctly understood

* Translator's Note: The word in the third sentence which has been translated above as "define" (*defman*) can mean either "define" or "decide". The former is the primary meaning. [Footnote in the file translation.]

⁴⁶ See *Foreign Relations*, 1928, vol. I, pp. 685 ff.

the Government of Bolivia, which they trust they have, they would immediately make the same proposals to the Government of Paraguay.

FRANCIS WHITE

For the Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/1912 : Telegram

The Acting Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, August 3, 1932—3 p. m.

23. Your 46, August 1, 5 p. m. Suggestion for immediate armistice was made in telegram sent by the Neutrals to Minister of Foreign Affairs of Bolivia yesterday.

CASTLE

724.3415/1947 ½

The Paraguayan Delegate (Soler) to the Assistant Secretary of State (White)

[Translation]

WASHINGTON, August 4, 1932.

MY DEAR MR. WHITE: I acknowledge receipt of your kind letter of the 28th ult. in reply to my note of the 27th. From it I see that you are entering into details which I wanted to avoid, precisely for the sake of brevity. But I shall follow your initiative with much pleasure, hoping that it will be useful in bringing to light the meaning of many acts and proceedings in the current negotiations.

You know very well, because we have always spoken with the most noble frankness, that I am not in agreement with some of your ideas and reservations. But this difference in opinion has not prevented and will not prevent us from being cordial co-workers in this joint work for the peace of America. The best way to know each other and to respect each other is by making our thoughts known with all correctness, without annoyance or insults toward anybody, as we have always done in our conversations.

Within this mutual respect it is impossible to lay claim to a mo-

nopoly of truth. If even in written communications, a difference in interpretation is not a matter for surprise, it must even less surprise us in a series of verbal and informal conferences. Therefore, I shall not be precipitate in telling you that my statement "is strictly in accordance with the truth," because that would wound your veracity, which I respect. I have limited myself and do limit myself to informing you that the delegation of Paraguay can not accept the authorship of the draft, without obvious injustice.

For the better understanding of the matter, I will make a brief review, subject to amplification, if this should be necessary. The meaning which I attach to the acts which preceded and followed the draft of May 6, is not always in accordance with the views which you express, but it is the reflection, both of my "Diary" of the conferences and of the official documents to which I refer.

On April 22 last we began this second stage of the conferences, putting into practice the suggestion you made in the meeting of the 15th to undertake at once the study of a pact of non-aggression in verbal and informal conversations. This second stage lasted until May 6, the date of final revision and delivery of the draft to both delegations.

In our first conference with the delegation of Bolivia we talked about three points: non-aggression, the reestablishment of diplomatic relations, and arbitration. We did not proceed to study any other point, because the atmosphere began to warm up a little when the *status quo* of 1907 was touched upon, which is the sore point in the dispute and it was at that time, that we decided to entrust to you the drafting of three articles on these three points which we had discussed. We sought in this way to have you, as a disinterested party in the drafting, do us the favor of saving us a discussion which was becoming disagreeable. In those days the press had given an account of the opinion expressed by the American Ambassador to Chile on the Treaty of 1904, and Mr. Finot, as you will recall, appeared much excited.

We also agreed at that time, as a procedure for avoiding unnecessary incidents, that you should consult separately with each delegation on the text of the articles, and as soon as you had obtained the agreement of both, you would be good enough to call us to a joint meeting to continue the study which we had begun.

We arrived at your office on April 27, and the exhibition which you made to us of the draft was an agreeable surprise for us. It represented a great effort and high-minded interest. I remarked to you that it was a complete draft, even with an appendix, and you were good enough to tell me by way of explanation that you had entrusted the Departmental Legal Advisers with the work.

Both at that meeting and at the following meetings you desired to deliver us the draft so that we might study it. We had to refuse, and the reason was, as I informed you, "because the draft, in its present form, is absolutely unacceptable to us." It was on that occasion that I used the phrase to which my note of the 27th refers.

It was then, too, that we asked for an individual copy for the sole purpose of sending it to the Government for study. You told us in reply that you had the copies for both delegations prepared, and that if you delivered one to us you would have to deliver the other one to the delegation of Bolivia. We did not raise any question, and therefore, there was no reason for you making any declaration to us as to the footing of equality upon which you wanted to place both delegations.

Naturally, we have never claimed more favorable treatment in our negotiations before the Neutrals, because this would amount to creating an inequality to which we have no right. Our own sense of propriety would have prevented us from making such stipulation. Our purpose was to avoid acceptance, officially, of the draft, and if we agreed to the simultaneous delivery of the copies, even if they were private, we exposed ourselves to the very danger which we wished to prevent.

The draft was absolutely unacceptable to us, not because it contained points other than those which we had discussed and agreed upon beforehand, but because it did not take into consideration any of our just demands. It not only did not mention the withdrawal from the fortines nor from the Hayes zone,⁴⁷ but it did not even reserve our rights to the *status quo* of 1907.

For that reason we preferred, before giving it course, to limit ourselves to reading the draft and taking notes. And here begins the work of changing and improving the draft, which work is not yet completed.

It is possible that the delegation of Paraguay employed more time and work in taking notes than that of Bolivia. The draft covered the Bolivian demands more fully than it did ours, which circumstance made a greater effort necessary. To this circumstance, and not to an inequality which we did not desire, must be attributed the greater abundance of notes and of text which we had to prepare, as compared with the lack of interest, which is explicable on the part of our colleagues at the conference.

These modifications centered chiefly about Articles II, III and IV.

With respect to the renewal of diplomatic relations we called attention to the fact in the first place that we had no instructions. We

⁴⁷ Zone awarded by President Hayes in boundary dispute between Argentina and Paraguay; see *Foreign Relations*, 1878, p. 711.

talked over the matter of Argentine mediation with you and even admitted the possibility of a separate protocol. You proposed to us two different texts of the said Article II, and we preferred the simplest one, but without stating any reason. We again modified the said text in the final revision of May 6.

With respect to Article III, the tendency of our changes was to make the arbitration complete, that is, to have it include all the points of the controversy.

It was, doubtless, the tendency of the text which you proposed to us, but we desired and do desire, that in this juridical arbitration there shall be settled both the fundamental question and the various questions as to possession and as to interpretations of treaties which have arisen in the course of diplomatic exchanges on the difference. One of these questions would be the *status quo*.

In your first draft it was said that the parties agreed to submit to arbitration the disagreement on possessions and dominion. But, of course, as a result of the opposition of the Bolivian delegates, it was not possible to keep the matter of the arbitration in that concrete form as was proper. We proposed various changes, but not all were successful, and then we reserved the right to insist upon those omitted in the conferences following the official delivery of the draft.

With regard to Article IV, you proposed to us at the meeting on May 3 two different texts in place of the original one. I took note of all these formulae, some of which I copied word for word, and at the time suggested some changes. Dr. Vasconsellos suggested others, all of them tending to reserve the *status quo* of 1907 and as you told us that it was absolutely impossible to secure the acceptance of our modifications by the delegation of Bolivia, we asked you to state what you had already obtained to that effect, as we reserved to ourselves the task of continuing our effort in the conversations to be conducted after the presentation of the draft.

Not only Article V but Articles VI, VII, VIII, IX and X were the subject of modifications suggested by one or the other delegation, but to make modifications in a draft, that is, to modify it, is not the same as drafting it. In a body made up of representatives, any project is at times the subject of profuse revision, and in such a case, it is not customary to call the author of an amendment the author or editor of the draft. This would require another substitute draft. Even more so on this occasion, as two-thirds of the amendment related to a subject not discussed nor agreed upon previously in the meeting of April 22.

I do not mention this lack of previous agreement, as a charge, because your effort deserves all my respect and my gratitude, but in order to corroborate my assertion that the delegation of Paraguay

did not draw up a project but worked upon a draft which was already prepared.

The fact that we, up to the present, did not consider ourselves as authors or editors of the draft is proved by our communications with the Chancellery. In our cablegram 21 we informed the Ministry textually: "Mr. White prepared a draft pact of non-aggression. We are not transmitting the text because we refused to receive it as we considered it unacceptable. We worked upon modification of it, and for this purpose visited Mr. White almost daily, obtaining modification of some articles." In cablegram 22, in giving a summary of the draft, we said textually: ["]Mr. White's draft contains ten articles. The five articles of the regulation referred to in Article VI appear as an annex to the treaty." In cablegram No. 24 we stated: "As was agreed upon in conference this afternoon, we are sending by air mail the text proposed by Mr. White." And in the note of May 7, 1932, we repeated: "We have the honor to send Your Excellency the text of Mr. White's draft, the general lines of which we communicated in our cablegram 22."

The Government of Paraguay did not understand it otherwise. This is proved by its cablegrams and notes to this delegation and its communications to the Neutrals. In the memorandum delivered June 1 to the Minister of the United States at Asunción, it is called the White draft. I do not officially know this document, but I make the statement on the authority of Dr. Vasconsellos, who told me that he had in his possession, for his private information, a copy with which you had been good enough to provide him.

The Government of Bolivia understood it in the same way. The communications of her Chancellery likewise refer to the White draft.

Finally, the newspapers of the world, in giving an account of the submission of the draft, did not say that it was the work of the delegations. It published the account, assigning to it an author. And from that time, until July 26, when for the first time the authorship of the draft is attributed to both delegations, no one corrected the newspaper account. Hence the surprise which it gave me and the surprise it will cause tomorrow, when it is learned that this worthy brain child, deserving of all praise for what it is worth as a capable effort and an expression of an honorable purpose, is of doubtful paternity.

I accept your suggestion to call in the future the draft with which we are dealing, the draft of May 6, and believe me, my dear Mr. White, that in the midst of these differences of opinion, which never separate men of conviction but only draw them closer, there is always a strong current of admiration and esteem for you.

Yours cordially,

JUAN JOSÉ SOLER

724.3415/1958 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Assistant Secretary of State (White)*

[Translation]

LA PAZ, August 4, 1932.

[Received 4:42 p. m.]

I have the honor to acknowledge receipt of and to reply to the cablegram of the 2nd instant which the representatives of the neutral Governments addressed to my Government. We once more express our thanks for the good offices of the neutrals, who, since 1928, have been making generous efforts for the pacific solution of our dispute with Paraguay. In having stated that Bolivia has no greater (*sic*) interest⁴⁸ in prosecuting the investigations of the latest incidents, we must emphasize that we were disposed to accept that recourse even after the Paraguayan aggression of June 29, it being well known, as is evident to the neutrals, that at that time the contender refused to return to the conferences. At the proper time we pointed out to the Commission that such withdrawal was a menace of new aggression and thus it was that on the 15th of July we suffered a second attack, this time prepared on a larger scale. This attack placed matters on the ground of facts on which ground we have taken the reprisals required by the dignity of the country and permitted by international law, there being nothing left, in our judgment, to clear up further on this point. We must correct the idea which is attributed to us in stating that we have refused to issue orders for the suspension of hostilities. What we stated was that our future attitude would depend on the attitude which Paraguay might observe. We understand that in order to treat concerning definitive settlements it is necessary to anticipate and prevent new acts of hostility. We therefore, out of respect for peace, find acceptable the idea of a suspension of hostilities which would permit consideration of the basis of the Chaco question. But we believe that to take as a basis therefor, the restoration of things to the status of June 1 is not reasonable because it imposes a condition which renders impossible the settlement which is proposed to us. Every armistice, by its very nature, is founded on the state of things existing at the moment of the agreement. Consequently, we take the liberty also of inquiring of the neutrals whether they would deem fit to modify their proposal in accordance with the said suggestion, counting on our good will for coming to an agreement on the other details. When suspension is agreed to, the basis of the controversy

⁴⁸ Spanish text reads: "no tiene mayor interés".

would be taken up for consideration, it being understood that it would be left to the parties to discuss their interests.

I renew [etc.]

JULIO A. GUTIÉRREZ

724.3415/1965 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, August 5, 1932—9 p. m.
[Received August 6—1:52 a. m.]

49. The Minister of Foreign Affairs sent for me tonight at 7 p. m., and with considerable anxiety requested that I use my good offices to obtain a modification of the neutrals' proposal, for a suspension of hostilities, urging that it be based on present possessions rather than on those of June 1st. He explained that the Bolivian public and especially the opposition party were objecting strenuously to the cessation of hostilities, and if the agreement implied even a temporary return to Paraguay of the three fortines taken by Bolivia, he feared serious internal disturbances or worse.

He said that he had sounded out the Government of Uruguay, Chile and Peru and that those Governments agreed with the Bolivian thesis, viz. present possessions.

I expressed the fear that it would hardly be possible to modify the proposal, inasmuch as it had already been accepted by Paraguay, but promised to inform my Government. He then expressed the hope that Mr. White, in whom he had the utmost confidence, might find some solution.

I regard the internal situation as critical, and can confirm the Minister's statements as to the danger to the Government. FEELY

724.3415/1958 : Telegram

The Commission of Neutrals to the Bolivian Minister for Foreign Affairs (Gutiérrez)

[Translation]

WASHINGTON, August 5, 1932.

The representatives of the neutral nations have had the honor to receive Your Excellency's cablegram dated the 4th instant in which you answer their cablegram of the 2nd instant, to which reply they have given the most careful attention.

The representatives of the neutral nations believe that in order to arrive, on this subject, at prompt and effective solutions, it is necessary first of all to establish with absolute clearness the facts concerning the incidents which have occurred, and, for this reason, they take the liberty of pointing out to Your Excellency that when they said,

in their cablegram of the 2nd instant: "they regret to note that Bolivia is not interested in investigations of the recent occurrences, and will not give orders not to commit hostile acts in the Chaco" they based themselves on the following categorical words of Your Excellency's cablegram of August 1 "Investigations which do not define the fundamental question do not interest us. Bolivia desires the final solution of the controversy. It does not desire to be perennially on guard in the Chaco checking the advances of Paraguay. It is for this reason that the country has reacted with all its forces resolved to liquidate the controversy even by arms". In reply to the inquiry which Your Excellency is good enough to make of the neutral representatives as to whether they would deem fit to modify their proposal in the sense of accepting for the suspension the [of] hostilities "the state of things existing at the moment of the agreement" they fulfill the duty of stating to Your Excellency that they cannot consider it because that would imply the recognition of acts of force in the settlement of controversies between the American nations, which is contrary to their rooted convictions and to the Declaration of Principles which 19 nations of America have just formulated on the 3rd day of the present month in the following words "The American nations further declare that they will not recognize any territorial arrangement of this controversy which has not been obtained by peaceful means nor the validity of territorial acquisitions which may be obtained through occupation or conquest by force of arms".⁴⁹

These necessary explanations having been made, the representatives of the neutral countries trust that Your Excellency's Government will desire to order the immediate suspension of hostilities on the basis of the positions of Bolivia and Paraguay of June 1, 1932, and to submit the Chaco dispute, immediately afterwards, to a settlement by arbitration or other friendly means which may be acceptable to both. They are addressing today the same views to the government of Paraguay.

HENRY L. STIMSON

Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

⁴⁹ For complete text of the declaration of August 3, see p. 159.

724.3415/1958 : Telegram

*The Commission of Neutrals to the Paraguayan Minister for
Foreign Affairs (Arbo)*

[Translation]

WASHINGTON, August 5, 1932.

The representatives of the neutral nations have the honor to communicate to Your Excellency that in their constant desire to save Paraguay and Bolivia from the misfortune of a war, they are addressing the Government of Your Excellency and also the Government of Bolivia, requesting that the immediate suspension of hostilities be ordered on the basis of the positions of Bolivia and Paraguay on the 1st of June, 1932, and that the Chaco dispute be submitted, immediately thereafter, to a settlement by arbitration or other friendly means which may be acceptable to both.

They request that Your Excellency give them an immediate reply on these same points.

HENRY L. STIMSON

Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/1975 : Telegram

*The Paraguayan Minister for Foreign Affairs (Arbo) to the
Secretary of State*

[Translation]

ASUNCIÓN, August 5, 1932.

[Received 10:47 p. m.]

My Government agrees to suspension hostilities on the basis of the positions of Paraguay and Bolivia on June 1, 1932, and to submit the Chaco dispute immediately thereafter to an arrangement by arbitration or other friendly means. My Government appreciates laudable efforts of your Commission in favor of peace.

HIGINIO ARBO

724.3415/1974 : Telegram

The Commission of Neutrals to the Bolivian Minister for Foreign Affairs (Gutiérrez)

[Translation]

WASHINGTON, August 8, 1932.

Your Excellency's cablegram of the 4th of this month in regard to the suggested suspension of hostilities says verbatim: "what we stated was that our future attitude would depend on that which Paraguay might observe." On the 6th⁵⁰ we sent to Your Excellency declaration of the Minister of Foreign Relations of Paraguay assenting to the suspension of hostilities.

We therefore consider that the two countries are agreed on the suspension of hostilities and we venture to request that they be actually suspended at daybreak on the 10th day of this month and we shall appreciate an immediate reply to inform Paraguay of it, to whom we are giving notice of the present despatch.

We venture to insist on immediate suspension of hostilities because we are informing [*sic*]* Government Paraguay today that Bolivian forces attacked Paraguayan fortín Carlos Antonio López, Pitiantuta, the Paraguayan garrison withdrawing.

FRANCIS WHITE

For the Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/1999 : Telegram

The Bolivian Minister for Foreign Affairs (Gutiérrez) to the Assistant Secretary of State (White)

[Translation]

LA PAZ, August 8, 1932.

[Received August 9—1:30 a. m.]

I have just received the cable of tonight in which we are asked to suspend hostilities on the 10th and which communicates the accusa-

⁵⁰ Telegram not printed.

* Spanish "Avisamos". This is doubtless a typographical error for "avisanos" which would make the passage read in translation, "Government Paraguay informs us today . . ."—Translator's note. [Footnote in the file translation.]

tion of Paraguay that Bolivian forces have attacked the Paraguayan fortín Carlos Antonio López. This accusation surprises us as we suspended hostilities several days ago. Today at noon, already knowing of the Paraguayan accusation, we asked for a report from the commander of the garrisons of the fortines who now replies by radio that the Paraguayan accusation of the capture of fortín López or Pitiantuta is entirely false and considers it due entirely to Paraguayan panic. There is no need for us to give further orders for the suspension of hostilities.

I renew [etc.]

JULIO A. GUTIÉRREZ

724.3415/2001 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Secretary of State*

[Translation]

LA PAZ, August 8, 1932.

[Received August 9—2:10 a. m.]

I acknowledge receipt of the cabled note of the 5th instant in which the representatives of the five neutral countries who had charge of the conferences on the pact of non-aggression state that they cannot consider our inquiry as to whether they would see fit to modify their formula in the sense of accepting as a basis for the suspension of hostilities the state of things existing at the moment of the agreement because it is contrary to their rooted convictions and to the Declaration of Principles which 19 American states have just formulated on the 3rd day of the present month.⁵¹ They conclude by reiterating their confidence that the Government of Bolivia will desire to order the immediate suspension of hostilities on the basis of the positions of Bolivia and Paraguay on June 1, 1932, and to submit the Chaco dispute immediately thereafter to arbitration or other friendly means which may be acceptable to both. My Government, in proposing the existing situation as a basis for the suspension of hostilities did not intend to decide questions of territorial sovereignty. The legal situation of the fortines captured from one and the other country touches the fundamentals of the subject. Ideas being thus clarified we on our part regret that the representatives of the neutral countries cannot consider the inquiry which we made of them in our cable of the 4th instant. I must note that it is desired to try the application of the new peace doctrine launched into the world scarcely 5 days ago in the Chaco conflict with a retroactive character to June 1, last. If retroactivity attends that doctrine from its inception there would

⁵¹ *Post*, p. 159.

be no reason for not extending its effects back to September, 1888, and include in the suspension of hostilities the immediate return to Bolivia of Puerto Pacheco. My Government therefore persists in its counterproposal of taking the present possessions as a basis for maintaining the suspension of hostilities. Hostilities suspended temporarily. As to proposals on the fundamentals of the controversy we have repeatedly declared that we are disposed to open negotiations on reasonable bases but in no case under the pressure of force.

I greet Your Excellency [etc.]

JULIO A. GUTIÉRREZ

724.3415/2000 : Telegram

The Bolivian Minister for Foreign Affairs (Gutiérrez) to the Assistant Secretary of State (White)

[Translation]

LA PAZ, August 9, 1932.

[Received 9:13 a. m.]

Supplementing note of yesterday relative to temporary suspension of hostilities we should like to be informed specifically whether neutral mediators and Paraguay agree to our proposal basis present possessions to maintain on our part suspension hostilities.

Sincerely,

JULIO A. GUTIÉRREZ

724.3415/2001 : Telegram

The Commission of Neutrals to the Bolivian Minister for Foreign Affairs (Gutiérrez)

[Translation]

WASHINGTON, August 9, 1932.

We Neutrals have received the two cablegrams from Your Excellency of the 8th instant and another one of the 9th, in which you announce to us that your Government "in proposing the existing situation as the basis for the suspension of hostilities did not intend to decide questions of territorial sovereignty. The legal situation of the fortines captured from one and the other country touches the fundamentals of the subject", that "we suspended hostilities several days ago" and that "hostilities suspended temporarily" which we did not know until today, and which we are very glad to know.

It is now incumbent upon us to state to Your Excellency the reasons we had in mind in proposing the positions held on the 1st of June as the basis for the cessation of hostilities. The first incident reported to the Neutrals was that of June 15th. Without the complete details of this and the following combats which have never been furnished to

us it has been impossible for us to make suggestions for their solution, for which reason we have indicated a basis which implies no judgment in advance.

Futhermore, on the 3rd of August, the American nations clearly stated to Bolivia and Paraguay that they were opposed to force and renounced it both for the solution of their controversies and as an instrument of national policy in their reciprocal relations. On this basis every attack in the Chaco, whether original or by way of reprisals, is considered by the American nations as illegal, and they have declared categorically that no territorial position won by arms would be recognized by them.

In view of the express assent of Your Excellency to these principles, and particularly your declaration contained in the cable of the 8th instant that your Government, in proposing the existing situations as the basis of the suspension of hostilities did not intend to decide questions of territorial sovereignty, and that the legal situation of the fortines taken from one and the other country touches the fundamentals of the subject, we respectfully ask Your Excellency:

First, whether your Government proposes the immediate cessation of hostilities on the basis of the present positions with the understanding that such positions do not alter the legal situation of Bolivia and Paraguay of the 1st of June 1932; Second, whether it agrees to submit immediately the controversy concerning the Chaco to an arbitration, by means of negotiations, which will begin before the 15th of September next; Third, whether it agrees that by the 15th of June, 1933, the positions taken in the territory of the Chaco subsequently to June 1, 1932 shall have been abandoned, unless a different arrangement on this point is concluded between the two countries in dispute, and agrees to maintain therein only the minimum guard personnel in the meantime; and Fourth, whether it agrees to give facilities to the representatives of the Commission Neutrals whom the latter may desire to send to the Chaco territory for the investigation which may be pertinent.

HENRY L. STIMSON

Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/1999 : Telegram

The Commission of Neutrals to the Paraguayan Minister for Foreign Affairs (Arbo)

[Translation]

WASHINGTON, August 10, 1932.

With reference our cable 8th instant Bolivia informs us that "we suspended hostilities several days ago" and that "hostilities suspended temporarily."

HENRY L. STIMSON

Secretary of State of the United States

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2038 : Telegram

The Bolivian Minister for Foreign Affairs (Gutiérrez) to the Secretary of State

[Translation]

LA PAZ, August 12, 1932.

[Received 1:23 a. m.]

We have received the cablegram dated the 9th instant, in which the representatives of the five neutral countries, after some observations concerning statements in previous cables, ask us four questions as bases for the immediate cessation of hostilities. Without entering into the examination of said considerations, with not all of which we are in agreement, we reply in the following terms:

First: Bolivia reaffirms her counterview of taking as a basis for the cessation of hostilities the state of things existing at the moment of the agreement in conformity with the practices of international law, and takes the liberty of observing that on June 1, 1932, there was no juridical situation in the Chaco, as Their Excellencies, the representatives of the neutral governments appear to believe.

Second: A pact having once been made for the suspension of hostilities, Bolivia agrees to open negotiations for the solution of the fundamentals of the controversy by means of an arbitration *juris* concerning limited zone, or other friendly arrangement within the period proposed by the neutrals.

Third: Bolivia does not agree to abandon the fortines taken from Paraguay. Neither the government nor the sentiment of the nation can consent to such abandonment until a final solution modifies the sovereignty of the said positions. As to the number of effectives serving as a guard, only such would be retained as would appear to Bolivia indispensable to her security.

Fourth: In anticipation of the friction which might occur subsequent to the agreement for cessation of hostilities and prior to the settlement of the fundamentals of the controversy, Bolivia might agree to the establishment of some impartial entity which would eliminate the possible difficulties.

JULIO A. GUTIÉRREZ

724.3415/2050 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, August 13, 1932—10 a. m.

[Received 10:55 a. m.]

52. The reply of the Bolivian Government to neutrals' telegram of August 9th was sent last night. The Department's telegram No. 25, August 11, 2 p. m.⁵² was received August 11, 7 p. m., but owing to many garbles has not yet been completely deciphered.

However I discussed the matter with the Minister of Foreign Affairs last evening and found him greatly disturbed at the outlook, in view of Bolivia's inability to accept the four points in their entirety, principally because of its fear of public opinion and the danger of internal disturbances if the arbitral decision should not be made within the period stipulated.

As the Minister in recent conversations has stressed the desirability of avoiding prolonged negotiations, could not the question of possessions be obviated by an immediate concrete proposal for arbitration, or by the proposal by the neutrals of an arbitrary line such for example as the Ichazo-Benítez line⁵³ as definitive solution?

While suspension of hostilities exists and large purchases of supplies have been suspended, the concentration of troops continues, and a hostile press is creating a current of opinion distinctly unfavorable to the mediation of American nations, and even to a peaceful settlement.

FEELY

⁵² Not printed.

⁵³ Benítez-Ichazo Treaty, signed at Asunción, November 23, 1894; postponed indefinitely by Paraguayan Congress, May 19, 1896. See Republica del Paraguay, Subsecretario de Relaciones Exteriores y Culto, *Colección de Tratados Históricos y Vigentes* (Imprenta Nacional, Asunción, 1934), vol. I, pp. 256-257.

724.3415/2050 : Telegram

The Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, August 13, 1932—3 p. m.

26. Your 52, August 13, 10 a. m. Department desires you to discuss the situation frankly and fully with Minister of Foreign Affairs to see what concrete suggestions he may have. As you have been informed, the Neutrals can not agree to any proposal that in effect scraps the declaration of the 19 countries of August 3. The Bolivian proposal to cease hostilities on the basis of actual occupations would scrap the declaration of August 3. To help the Bolivian Government out the Neutrals inquired whether Bolivia would recognize the principles of that declaration by a statement to that effect and by fixing a definite date on which, in the absence of direct agreement with Paraguay, the positions taken since June 1st would be returned.

Department is advised by Paraguay that it rejects the suggestion made to both countries by Argentina that there be a truce on the basis of actual positions. This proposal runs counter to the declaration of August 3 and can not be supported by the Neutrals. Discuss the matter with the Minister of Foreign Affairs, find out what his ideas are and cable the Department fully and please keep it currently advised by cable of any changes in the situation. The Department wants to know whether there is a real desire for settlement on the part of the Bolivian authorities, what their ideas regarding the settlement are, and the state of public opinion in the country.

The Neutrals can not suggest an arbitrary line as the definitive solution without prejudging the relative merits of the cases of the two countries. They would of course be glad to act as a transmission agency in sounding out Paraguay regarding any proposal that Bolivia may desire them to make to Paraguay on Bolivia's behalf. Was the Ichazo-Benítez line proposed by Bolivian authorities or have you definite reason to believe it would be acceptable to Bolivia?

STIMSON

724.3415/2073a : Telegram

The Acting Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, August 15, 1932—6 p. m.

32. Please discuss fully and frankly with President Ayala and his Government the Chaco situation and cable fully his views regarding it and any suggestions they may have to make regarding a settlement.

CASTLE

724.3415/2038 : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*

[Translation]

WASHINGTON, August 17, 1932.

The representatives of the neutral countries have received Your Excellency's cablegram of the 12th instant, and consider that, in order to avoid contradictory interpretations, it is necessary to make a complete and frank examination of the situation.

The representatives of the neutral countries wish first of all to assure Your Excellency that their only purpose in this matter is to arrive at a solution which will be just for both Bolivia and Paraguay, that is, which will satisfy both countries and leave uninjured the permanent interests of this hemisphere.

Your Excellency complains that the Neutrals apply the doctrine of August 3, retroactively. Let us examine the case. Conflict and blood-shed were occurring in the Chaco. American Nations unanimously declared that they were opposed to such methods and would not recognize any territorial adjustment "of this controversy" not obtained by pacific means, nor the validity of territorial acquisitions obtained by means of occupation or conquest by force of arms. Therefore the neutrals have agreed upon the American declaration and have not even suggested the application of retroactivity which Your Excellency believes is found therein.

In the cablegram to which we refer, Your Excellency declares that Bolivia does not agree to abandon the fortines taken from Paraguay unless a final settlement of the dispute "modifies the sovereignty of these positions". This declaration that such positions carry with them the right of sovereignty, is not only opposed to the declaration of the American Nations of August 3, but also to Your Excellency's own declarations. In your cablegram of August 5th⁵⁴ in reply to that of the 3rd from the nineteen countries, Your Excellency stated that the declarations contained in the latter "interpret with perfect exactness Bolivian thought" and "they are inspired by the ideas underlying American public law which does not admit occupation by usurpation as a title of ownership". Your Excellency stated also that Bolivia "receives with enthusiasm the new doctrine being initiated in America, that force does not confer rights" and that "in the Chaco dispute the same thesis is applicable". In addition to this acceptance of the doctrine of the American Nations, in the cablegram of August 8, Your Excellency gave it a very definite and specific

⁵⁴ *Post*, p. 161.

application to the Chaco when you said "my Government in proposing the existing situation as a basis for the suspension of hostilities did not intend to decide questions of territorial sovereignty. The juridical situation of the fortines taken from one and the other country touches the fundamentals of the subject".

Since there seems to exist in your country the belief that the American declaration is directed especially against Bolivia, it should be made known that the Commission of Neutrals began to consider and draw up a message of consultation to the American nations which afterwards became the declaration of August 3, since the time that Paraguay, without requesting explanations or investigation, announced its intention to terminate the conference on account of the reported Bolivian advances. It was at that moment that the Bolivian delegation in Washington placed itself in the hands of the Commission of Neutrals for the solution of the incidents and declared that after the incident of June 15 "a claim would have been justified on the part of the Government of Paraguay if it considered that its rights had been violated and the Government of Bolivia would have hastened to explain what had occurred", and "notwithstanding the unjustified and new aggression of Paraguay, Bolivia believes that there is not sufficient reason to break off the negotiations. On the contrary, she believes that there is a greater and urgent necessity for arriving at an agreement that will prevent a situation so abnormal and perilous as that which prevails in the Chaco today". This was the position which Bolivia took when Paraguay reported Bolivian advances. Paraguay announced her intention to leave the conference, and then the Neutrals prepared the declaration which later came to be that of August 3. Paraguay, before her delegates had embarked, changed her instructions and ordered the Delegation to return to Washington, expressing her willingness to consider the suggestions of the Neutrals, and declaring that no act of armed hostility would be committed against Bolivia. The Neutrals were naturally very pleased because in view of these declarations and of those just cited from the communication from the Bolivian Delegation, they considered that a solution was near at hand. At that moment, however, Bolivia reported Paraguayan attacks on Bolivian fortines, and declared that she could not continue in the conversations at Washington without lowering her dignity.

It is not necessary to remind Your Excellency of the numerous cablegrams exchanged between the Commission of Neutrals and Your Government attempting to persuade Bolivia to send to the Neutrals in Washington the details of the occurrences, in order that they might find a solution, and that the Bolivian Government might

order a cessation of hostilities and arrive at an adjustment of the fundamental question by arbitration or other pacific means. When it became impossible for the Commission to achieve these ends, it addressed itself to the countries of America, with a request for their cooperation, the declaration of August 3, resulting therefrom.

Although the Neutrals can not depart from the principle established on August 3, nevertheless, in order to find a means of harmonizing the Bolivian suggestion with the points of view of the rest of the continent, they asked Your Excellency on August 9, whether Bolivia, in making the suggestion for maintenance of present positions, would fix a date on which both countries would return any positions taken by force of arms since June 1.

This requirement was necessary in order that the American nations might be certain that if unfortunately, for any reason an adjustment was not effected, such failure would not imply the indefinite retention of those positions, contrary to the doctrine of August 3. The question was asked with the object of obtaining a satisfactory solution in collaboration with the Government of Bolivia.

Your Excellency expressed in the second paragraph of your cable of the 13th [12th], your desire for a solution of the matter "by means of an arbitration *juris* concerning limited zone". The conditions desired by both countries should be discussed when they are negotiating an arbitration or direct adjustment.

With reference to Your Excellency's statement that there was no juridical situation in the Chaco on June 1 the Neutrals wish to clarify proposals made by them in cablegram of August 9. It has been their opinion that the positions subsequent to June 1 do not alter the *de facto* situation existing between Bolivia and Paraguay, on that day.

To sum up, the situation is as follows:

First. All the countries of the continent have made the declaration of principles of August 3.

Second. On August 4 Bolivia suggested that there be taken as a basis for the suspension of hostilities the existing positions in the Chaco, which is contrary to the declaration of August 3.

Third. Bolivia, in her reply of the 5th, adhered to the American declaration.

Fourth. The Neutrals, on the 5th declared that they could not accept the Bolivian proposal of the 4th as it was contrary to the declaration of principles of the 3rd.

Fifth. On the 8th Bolivia said, "in proposing the existing situation as a basis for the suspension of hostilities she did not intend to decide questions of territorial sovereignty" but that "Bolivia persists in her counter proposal".

Sixth. The neutrals, on the 9th, tried to harmonize the Bolivian

proposal with the American declaration, suggesting that Bolivia fix a date for the return of positions taken subsequently to June 1.

Seventh. On the 12th Bolivia rejected the solution proposed, changing her declarations of the 5th and 8th above cited, to another in which she states that she cannot abandon positions "until a final solution of the controversy modifies the sovereignty of said positions".

In view of the foregoing, and as the neutrals persist in the desire that Bolivia and Paraguay reach an agreement in the serious matter of the Chaco, as well as in the desire that the Bolivian proposal may be harmonized with the doctrine of August 3 and Bolivia's declarations of the 5th and 8th of the same months, they earnestly request Your Excellency to be good enough to tell them what is your concrete proposal which may lead to such agreement, which proposal they will study most carefully.

FRANCIS WHITE

Chairman of the Committee of Neutrals

FABIO LOZANO T.

Minister of Colombia

JOSÉ RICHLING

Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2090 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, August 17, 1932—7 p. m.

[Received August 18—1:50 a. m.]

89. Your telegram No. 32 of August 12 [15], 6 p. m. If the neutrals do not find it practicable to insist on positions of June 1st the President can suggest nothing at present. We have been working out details of the suggestion of a mutual retirement from most advanced positions of both sides, whereby the evacuated strip would contain the fortines recently taken by Bolivia, as a possible alternative. This would have been sent you tomorrow. Tonight, however, Soler cables that reluctance of Argentina and Chile has been overcome by the neutrals, that in all probability June 1st positions will be insisted on and that it is believed Bolivia must yield. For this reason the President prefers that this alternative suggestion be not forwarded you at present.

The military situation here is acute. There have been recent

Bolivian plane flights and attacks on observation posts that have not been made public on account of popular excitement. War Department's reports indicate that the Bolivian concentration west of the Mennonite Colony now numbers a force that in 10 or 15 days more may be overwhelming and the high command is violently urging the necessity of striking before it is completed. The President is opposing this but greatly fears longer delay as, if the colony is cut off, he believes no contrary orders would prevent the Army from beginning general action.

WHEELER

724.3415/2090 : Telegram

The Acting Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, August 18, 1932—2 p. m.

34. Your 89, August 17, 7 p. m. Please cable alternative suggestion referred to as quickly as possible.

CASTLE

724.3415/2109 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, August 19, 1932—8 p. m.
[Received August 20—7:20 a. m.]

93. Your telegram 34, August 18, 2 p. m. General Staff, on account of Bolivian attack on Caraya, tonight definitely refuse to favor alternative suggestion. The four fortines taken from the Caraya are posts established for the protection of the Mennonite Colony and the railroad and the attack on Caraya has convinced them that the Bolivian intention is to seize the Colony and that this will be attempted before such provisions could be applied. The Caraya fight is believed to have been much more serious than is officially admitted here.

The situation in short is this: There are practically only four spheres of conflict, first, the Pilcomayo line, second, the line of Nanawa and Concepción, third, the line of Puerto Casada and, fourth, the line of Bahía Negra. The first is not considered dangerous on account of the difficulty of moving large bodies of troops in the present season. On the second, Bolivian attack could occur but Paraguayan retreat could not be followed on account of impossible swamps. The fourth is now flooded and can be disregarded. It is the third that is Paraguay's weak point. It includes the Mennonite Colony and the railroad and must be protected. While Bolivia could

not use the railway through lack of rolling stock its system of roads to the river make it easy of invasion and it is only here that Bolivia could operate forces of more than 10,000 men. The mutual retirement plan which the President and I have been working on with the head of the General Staff considered only this line. The plan embraced immediate evacuation of the Paraguayan fortines Toledo, Corrales, Boquerón and Cacique Ramón and the Bolivian fortines Arce and two others in that sector, none of these to be reoccupied by either side, Paraguay to be permitted police force of say 50 soldiers, whose number could be determined by the neutrals, to continue protection of the Colony and railroad.

The war fever has been steadily growing here and mobilization is being rapidly completed. I have just left the President who is clearly hopeless that war can be averted unless the neutrals can bring about Bolivian retirement from the four captured fortines. He said to me "If I opposed the Army further I should have no army".

He showed me a telegram received on the 18th reporting a conversation between Bustamante and the Peruvian Ambassador in Buenos Aires wherein Bustamante had stated that Bolivia would accept no proposal for truce before she knew the bases of the prospective arbitration, which Ayala takes as indicating a knowledge of her intention to demand as a *sine qua non* a footing on the river. The Ambassador replied that the two matters should be considered apart from one another.

Today's *Liberal* publishes a caustic statement of Vasconsello's, evidently issued for political effect, in which he pictures the neutrals as determined to keep peace at whatever cost to either disputant, declaring "till now we have supported the situation of the weaker nation and as such binding the object of the neutrals' pressure to cause us to yield in homage to peace. This situation does not suit us, and we hope this time to show the world that Paraguay is a nation strong when the defense of her honor and the support of her rights are concerned".

WHEELER

724.3415/2110a : Telegram

The Acting Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, August 20, 1932—3 p. m.

30. Please keep in close touch with Minister of Foreign Affairs and advise Department when a reply may be expected to Neutrals' telegram of the 17th as well as the nature thereof. Please endeavor discreetly to have Bolivia make some suggestion which fits in with the declaration of August 3. Bolivia up to now has limited herself to

rejecting the suggestions of the Neutrals. The Neutrals earnestly hope Bolivia will now help them by dealing frankly with them, telling them her problems and making suggestions for meeting them.

Do you think Bolivia would accept and possibly suggest, in answer to the telegram of the 17th, that the forts taken by her since June 1 will be evacuated if not reoccupied by Paraguay, thus forming in effect a neutral zone, and would Bolivia agree that neutral representatives be sent to report how the neutrality of the zone is being observed?

Of course if you discuss this matter with the Bolivian authorities do so most discreetly and as coming from yourself and not as coming from this Government or Neutrals. We of course do not know whether Paraguay would accept such a suggestion if made and are therefore not making any suggestion to Bolivia. If Bolivia, however, should make such a suggestion in reply to the telegram of the Neutrals, the Neutrals would endeavor to have Paraguay accept and feel confident that the neighboring countries would do so also.

The important thing now is that Bolivia make some definite suggestion as to how her position can be reconciled with the statement of principles of August 3 which Bolivia has also said she accepts. The problem therefore is really trying to reconcile Bolivia's own differing statements of position. The Neutrals have tried to be helpful in this, offering a way out, but suggestion was not accepted. Bolivia should now be helpful by making a concrete suggestion. Also it would have been helpful had Bolivia given some reasons for rejecting the Neutral proposal of August 9th. If Bolivia has good reasons for doing so it would naturally help the Neutrals to know what those reasons are as with a knowledge of Bolivia's problems they could perhaps be more helpful. Bolivia should realize that the Neutrals are trying to work with her and not against her and are trying to find a solution satisfactory to both Bolivia and Paraguay.

WHITE

724.3415/2109 : Telegram

The Acting Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, August 20, 1932—3 p. m.

35. Your 93, August 19, 8 p. m. received much garbled and not fully worked out as yet. Soler called this morning with a cable from Ayala indicating that he might not be able longer to hold back the army from trying to retake Boquerón. I told him that it is obviously to Paraguay's advantage to work with the Neutral Commission and the other American nations rather than against them. The Neutral Commission

has been holding long sessions considering all phases of the matter and is doing everything possible to bring about a definite cessation of hostilities. He was told that it would seem to be to Paraguay's advantage to work with the other American countries rather than to start another military adventure now which might well prove disastrous and would certainly overnight cause Paraguay to lose any moral advantage she now has.

Bolivia has told the Neutral Commission that she has some time ago stopped hostilities temporarily. These statements were transmitted textually to Paraguayan Government on August 10. If Paraguay has any information to the contrary, full details should be sent to the Neutral Commission at once in order that the Neutral Commission can take the matter up with Bolivia. It was Paraguay's failure to work through the Commission early in July that greatly aggravated the situation. It is hoped that you can persuade the Paraguayan Government that now is the time to exercise patience and calm, attempt to quiet and not to inflame the war spirit, and to cooperate with the Neutrals and through them with all the other nations of America.

In this connection it is important to know just what solution Paraguay would accept in order that the Neutrals may know better how to handle the matter in discussions with Bolivia. Would Paraguay agree not to reoccupy the three forts taken by Bolivia if Bolivia should agree to evacuate them, thus establishing a neutral zone? Would Paraguay agree to having observers sent up to see that the neutral zone is respected? It is naturally hardly likely that Bolivia will agree to Paraguay policing this zone alone. Is the suggestion you make in your telegram under acknowledgment that the Paraguayan police force be used in the neutral zone or only in the Mennonite colony? If the neutral zone is policed by both countries further conflicts will inevitably occur. As much information as you can send regarding possible solutions acceptable to Paraguay will be most helpful.

WHITE

724.3415/2110 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, August 21, 1932—8 p. m.

[Received August 22—4:42 a. m.]

95. Your telegram No. 35 of August 20, 3 p. m., was received this morning. The President today cabled Soler and all Paraguayan Legations that Paraguay's unchangeable position is that the fortines

last taken by Bolivia must be evacuated by her troops and Paraguay will reoccupy them. A message was sent yesterday to all field commanders calling on them to refrain from all attack in any case till end of this week and as much longer as possible, on the chance that the Neutrals may be able to gain Bolivia's agreement to the *status quo* of June 1st. The President states that, to his regret, in view of the extent of the Bolivian concentration, it is too late to consider now a plan for a neutral zone, and inasmuch as Paraguay's obligation to refrain from all hostilities was based on a return to the positions of June 1st, he hopes that as soon as the Neutrals are convinced that Bolivia's agreement thereto is not to be gained they will release Paraguay from her obligation. He asks me to send you the following statement:

"Paraguay's situation is that Bolivia is intentionally making it impossible for the Neutrals, who are not represented on the ground by observers, to judge the evident final details exacted which Paraguay might send them, of Bolivian aggressions almost daily occurring. Bolivia's custom is, when she has made an attack on a Paraguayan post, to give out a statement at La Paz wherein she calls the post by another name, claims it her own, and alleges that it has been attacked by Paraguayan troops. Meanwhile she is holding the Paraguayan posts she has taken in the Casada sector while she is strengthening steadily her concentration behind them. Paraguay's delay at resisting this growing concentration is daily becoming more perilous for her. She hopes the Neutrals will realize her situation and will believe that she is willing to assent to any agreement that is not one-sided and would not tend to cripple her defense should war eventually be forced upon her."

WHEELER

724.3415/2112 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, August 22, 1932—10 a. m.

[Received 9:55 a. m.]

60. Department's telegram No. 30, August 20, 3 p.m. The situation here is tense and because of the violent attacks of the press and a growing popular sentiment against what is termed the intromission and pressure of the Neutral Commission on Bolivia in favor of Paraguay, the Minister of Foreign Affairs has been reluctant to discuss any suggestions with me since August 15th. I shall see him today and report the result of this evening.

The Foreign Office has sent a circular telegram to Bolivian Legations citing six cases of Paraguayan aggression since July 25th.

FEELY

724.3415/2120 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, August 22, 1932—10 p. m.

[Received 10:04 p. m.]

61. In further reference to Department's No. 30, August 20, 3 p. m., it is apparent that the Minister of Foreign Affairs is studiously avoiding any discussion of the Chaco situation with any of the American representatives here. I asked for an appointment early this morning and was informed at 6 p. m., that he would receive me tomorrow at 10 a. m.

The Argentine Minister was instructed August 20th to express verbally to the Minister for Foreign Affairs the earnest desire of his Government that a peaceful solution be arrived at, but had not been able to see the Minister up to 7 p. m., today.

The situation continues tense and the press continues its attack on the neutrals' activities. I doubt that any suggestion I may make will have favorable consideration.

The Bolivian reply to the last note will be sent tomorrow but I have no idea of its tenor.

FEELY

724.3415/2175 : Telegram

The Bolivian Minister for Foreign Affairs (Gutiérrez) to the Chairman of the Commission of Neutrals (White)

[Translation]

LA PAZ, August 27, 1932.

[Received August 28—2:45 a. m.]

We received on the 18th the cablegram dated the 17th from the representatives of the five neutral powers in which they make a complete study of the situation in order to avoid contradictory interpretations. They then recapitulate the argument believing that they find contradictions on the part of Bolivia. In reply we make a similar recapitulation pointing out that such contradictions do not exist. We wish to make it clear that in order to facilitate pacific settlements it was Bolivia who proposed a pact of non-aggression on reasonable bases which if carried to a successful conclusion would have insured peace, making it possible to take up the settlement of the basic problem. The obstacles to this arrangement were not the work of Bolivia. The partial occupation of Chuquisaca Lagoon having occurred on June 15th, Paraguay suddenly withdrew from the conferences on the pact in order to act on her own account in the territory.

The neutrals did not succeed in inducing Paraguay to return to the conferences, whereas Bolivia remained in Washington, prepared to continue them. Paraguay dealt a perfidious and cruel blow on June 29th to a small detachment of seven men, only one of whom survived. Notwithstanding this fact, Bolivia declared that she still believes in the necessity for the pact and that the Paraguayan complaints could be dealt with in Washington. Paraguay persisted in her absence, notwithstanding the suggestions of the neutrals and made a second attack on Bolivia on July 15th, dislodging the Bolivian forces from Chuquisaca Lagoon. The two blows having been struck, Paraguay returned to the conferences prepared to continue them. The stratagem was obvious and no country which values its dignity would have been deceived by it. Bolivia withdrew from the conferences, not in order to repeat that stratagem, but definitively. We must point out that during this period when Paraguay abandoned the negotiations of the pact with the quite obvious intention of making two attacks on Bolivia, the American continent maintained silence. Paraguay had placed the issue in the field of arms and then attempted to flee from that field by resorting to diplomatic stratagems. Bolivia with full right and in accordance with international rules made reprisals and captured three fortines of the many which Paraguay has established on Bolivian territory. It was then that 19 American nations appeared on the scene to proclaim the principle that might does not create right, a principle which all of them had forgotten in times which were unfortunate for many American nations which were the victims of force. It is proper to note at this point that the new doctrine refers solely to the case of the Chaco, ignoring all past acts of violence and making allowance for all future injustices outside that territory. It is presented as a doctrine *ad hoc* for the case of Bolivia. Notwithstanding this fact and although Bolivia had not been called as a party to the agreement of the American nations proclaiming it, it was natural that she should receive it with approval. In view of the imminence of a conflict the representatives of the neutral Governments took active steps to secure a suspension of hostilities in the Chaco. We do not believe it necessary to mention in detail the cablegrams exchanged on this subject, as it is sufficient to give here their substance and indicate the point of disagreement. Bolivia accepted the suspension of hostilities, taking as a basis the state of affairs existing at the time of the agreement. The neutrals rejected that proposal and endeavored to impose as a basis the return of affairs to their status as of the first of June previous. That is the whole question that is to be cleared up. Bolivia was basing her policy on the practices of international law and on the very nature of things. In a state of latent

war or of declared war hostilities are suspended, that is to say, they are stopped at the moment of the armistice to make room for final settlements, leaving things temporarily in *status quo*. The question involved is that of a suspension of hostilities and not of their return to a previous status. Unfortunately, the neutrals, carried away by an excessive enthusiasm for the new doctrine, wished to apply it retroactively. They desired and almost demanded restoration of things as they were at a time previous to the proclamation of the new Pan-American doctrine without considering that this retroactive application logically extended, would necessitate remaking the geography of America. As Bolivia objected to such retroactive application, believing it to be contrary to all law, the most excellent neutrals reply that the proclamation of the doctrine took place on the 3rd of August and that the Bolivian proposal was made on the 4th. We might reply that Bolivian approval of the new doctrine was given on the 5th.⁵⁵ But without dwelling on these accessory circumstances it is sufficient for us to observe that the substance of the doctrine consists in denying that the facts are of sufficient effect to constitute a right and that in that sense the doctrine is applied to the facts, denying their validity, and not to the date of the proposals which refer to them. Neither is there any contradiction on our part relative to the possession of the fortines. We have maintained that this possession is subject to the final settlement of the dispute, whether the proceedings last a year or more. A final settlement which definitively establishes sovereignty must come. For that reason we said that we did not mean to define questions of sovereignty by our proposal. Any modification in the present state of things which we propose as a basis for the suspension of hostilities will be made by that final settlement. These are, in short, the reasons exchanged by the two parties on which public opinion will pass judgment. Bolivia considers that her attitude has been reasonable and in accordance with law. And regrets to add that the extremist attitude of the neutrals is what has brought us to this difficult point. We venture to believe that Paraguay would have been more inclined to receive the Bolivian proposal if, as would have been natural, the reply had been left to her. The Bolivian proposal having once been rejected by the neutrals, it is not strange that Paraguay should also refuse it, feeling herself supported by them. Finally my Government does not discover the discrepancy which their Excellencies the neutrals believe they find between the Pan-American declaration of the 3rd of August and the Bolivian counterproposal of the 4th. The former relates to the essentials of the matter, estab-

⁵⁵ *Post*, p. 161.

lishing that the validity of territorial acquisitions obtained by occupation or conquest will not be recognized, while the Bolivian counter-proposal refers to the *modus operandi* of stopping hostilities on the basis of the positions occupied at the time precisely in order to reach a settlement in which the principle of justice shall have full application in accordance with the rights of the parties. On the contrary, this Government believes that there is a discrepancy between the declaration of the 3rd of August and the proposal of the most excellent representatives of the neutrals. In proposing the restoration of the situation existing on the 1st of June they forget that the *status quo* on that day was the result of mere occupations also condemned by the declaration of the 3rd of August. The error committed consists in having transposed the periods of time in attempting to apply at once to a state of quasi-belligerency the principles which must be applied to the settlement of the fundamental question after a complete study of the matter. In view of the foregoing considerations, the Government of Bolivia reiterates: first, that it is still disposed to agree to a suspension of hostilities on the basis of the present positions in the Chaco; second, that it is likewise disposed to an immediate settlement of the fundamental question either by arbitration or by some other amicable means, in accordance with what has already been stated in her note dated the 12th. This is an opportunity to eliminate the prejudice which attributes to Bolivia the purpose of disturbing the peace. The half century of history of this dispute proves the contrary. Bolivia has persistently sought a pacific solution and has signed three treaties granting increasing concessions which treaties Paraguay has deliberately allowed to lapse. Bolivia, in the course of that period has repeatedly proposed a pacific settlement of the dispute by arbitration without attaining her aim.

JULIO A. GUTIÉRREZ

724.3415/2185a : Telegram

*The Commission of Neutrals to the Bolivian Minister for Foreign Affairs (Gutiérrez)*⁵⁶

[Translation]

WASHINGTON, August 29, 1932.

In view of the extreme gravity which the situation in the Chaco has reached, the Commission of Neutrals, in the interest of the peace of America, requests the Governments of Paraguay and Bolivia immediately to authorize their delegates in Washington to sign on the

⁵⁶ The same telegram, August 29, to the Paraguayan Minister for Foreign Affairs.

1st of September and for the brief period of 60 days a total suspension of hostilities.

During this period a pacific solution of the various problems will be discussed. In making this suggestion, the Neutrals maintain in its entirety the doctrine of the 3rd of August, accepted by Bolivia and Paraguay, and declares that this proposal does not alter the present legal position of both parties.

A prompt reply would be greatly appreciated by the Commission of Neutrals.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2186 : Telegram

*The Paraguayan Minister for Foreign Affairs (Benítez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

ASUNCIÓN, August 29, 1932.

[Received August 30—2:15 a. m.]

In reply to the suggestion of the Neutrals of this date⁵⁷ I have to state to Your Excellency that any provisional arrangement on the basis of retention of Paraguayan fortines in the power of Bolivia would constitute a serious danger for our Army and civil populations in that zone and consequently cannot be accepted by us. Bolivia will not accept any solution which is not adverse to Paraguay and during the negotiations will complete preparations for an offensive which are progressing with intense activity. The Neutrals have just seen the irreconcilable attitude of the Bolivian Government and will surely not wish to aid indirectly her warlike plans. Only abandonment of fortines can give us the security required in order to negotiate. We regret we cannot accede to the Neutrals' request. We must take care of our own security which we consider seriously threatened.

JUSTO PASTOR BENÍTEZ

⁵⁷ See footnote 56, p. 80.

724.3415/2188 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

LA PAZ, August 30, 1932.

[Received 10:27 p. m.]

136. In reply to your cablegram of the 29th, we have to advise you that the Government of Bolivia is disposed to enter into a truce proposed for a brief period of 30 days, understood to be on the basis of present positions. During the truce, efforts would be made to bring about settlements of fundamentals, favored by the good offices of the most excellent neutrals. We wish to make it clear that the doctrine that force does not confer rights has always been that of Bolivia, at all times and with respect to all territorial controversies. For this reason we made a formal objection to that of August 3rd, which is presented as of an exceptional character solely with respect to the Chaco question. We shall authorize our delegates at Washington to enter into a truce as of September 1st, on the foregoing basis.

JULIO A. GUTIÉRREZ

724.3415/2188

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*

[Translation]

WASHINGTON, August 31, 1932.

The Commission of Neutrals has received with pleasure Your Excellency's reply in which you accept the suspension of hostilities for 30 days, and which it is transmitting to Paraguay.

The opportunity is taken to advise you, in reply to Your Excellency's cablegram, that the doctrine of August 3 does not have an exceptional character but is applicable to this and to all other future cases.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2191 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, August 31, 1932—8 p. m.
 [Received September 1—12:32 a. m.]

104. Your telegram No. 40, August 31, 2 p. m.⁵⁸ I have just come from the President and regret to say he feels Paraguay cannot change its decision as to the truce. For him to favor acceptance, he states, would mean open revolt in the Cabinet and in the Army and the signing of any agreement of whatever sort accepting for any period of time Bolivia's retention of the three captured fortines would be considered by the people a defeat for Paraguay and the result would be disastrous for the Government. I shall talk with him again before the Cabinet passes on the reply but I do not believe this attitude can be changed.

The General Staff has no intention at present of beginning a general offensive or of attempting to invade the Chaco west of the line of the Bolivian fortines but as soon as a Bolivian advance to the east of Boquerón seems imminent it must be opposed. Instructions to this effect have been given to field commanders and they will act when it becomes necessary without further orders from Asunción.

Bolivia's acceptance of a 30 days' truce is interpreted here as indicating the time she considers necessary to complete her mobilization and it is assumed her plan is thereafter to utilize the short period remaining before the October rains in an attack whose objective will be her establishment at a point further to the east from which she cannot be dislodged this year and from which she can break through to the river next season.

The new Chilean Minister who presented his letters yesterday broached to the President the idea of transferring the negotiations from the Neutrals to the Argentina, Brazil, Chile, group but the President stated to him that Paraguay could not consider it.

WHEELER

724.3415/2186 : Telegram

The Commission of Neutrals to the Paraguayan Minister for Foreign Affairs (Benítez)

[Translation]

WASHINGTON, August 31, 1932.

The Commission of Neutrals has received with deep regret Your Excellency's cablegram⁵⁸ stating that you cannot fully accept a truce of 60 days. We wish to inform you that the Government of Bolivia is disposed to authorize its representatives in Washington to sign at

⁵⁸ Not printed.

once a truce for 30 days, as it informs us in cablegram of today [*yesterday.*] In view of this circumstance we beg Your Excellency to examine the situation again, taking into consideration the immense responsibility which would, before the conscience of America, rest upon the country which should begin hostilities or render impossible a friendly agreement on the basis of the doctrine of August 3. Paraguay, in accepting this brief truce, would be faithful to the formal declaration in its cablegram of July 28 stating that "Paraguay will not commit any act of hostility against the Bolivian forces". The interests of both parties would be protected during the negotiations for the settlement of the pending problems, as abstention from any hostile act or movement would be solemnly promised. During the truce efforts would also be made, the Government of Bolivia having consented thereto, to bring about settlements of fundamentals, favored by the good offices of the Neutrals. We trust that we shall receive an early and favorable reply, the only requisite which would be lacking in order to sign a truce eagerly desired by all America.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2199 : Telegram

*The Paraguayan Minister for Foreign Affairs (Benítez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

ASUNCIÓN, September 1, 1932.

[Received 1:10 p. m.]

In reply to Your Excellency's telegram I must repeat to the Commission of Neutrals that in not accepting the truce on the basis of the retention of our fortines in the possession of Bolivia my country believes that it is exercising a legitimate right in guarding its security, threatened by the concentration of Bolivian troops, which continues to be intensified in that sector. We have no guarantee that the truce cannot be utilized by Bolivia to complete her mobilization and to realize her military objective which consists in overcoming our resist-

ance and reaching the Paraguay river. We cannot understand what reasons can be acceptable to the Neutrals which Bolivia can adduce for continuing to hold three fortines, as it is consequently Bolivia who is thus obstructing the work of conciliation. Paraguay has conformed to the declaration of August 3rd and the basis of August 5th, having received expression of the gratitude of the neutrals which could not be changed today into condemnation of her conduct, which consists precisely in remaining faithful to the proposal of the Commission of Neutrals. My country has no intention of altering its conduct, but it cannot renounce means for its own protection. We believe that the massing of troops and the occupation of positions in places dangerous to our defense are real acts of hostility which cannot be carried out with impunity by Bolivia under the truce. Bolivia is counting upon a month for the completion of her organization. In 2 months the rainy season will arrive, as is admitted. Paraguay will not oppose the truce once *de facto* security has been obtained not subject to contingencies of diplomatic negotiations which can be broken at any time in spite of the good will of the neutrals.

JUSTO PASTOR BENÍTEZ

724.3415/2199 : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*

[Translation]

WASHINGTON, September 2, 1932.

The Government of Paraguay advises us that it will not oppose a truce once it has obtained actual security not subject to contingencies of diplomatic negotiations but considers the massing of troops and the occupation of positions in dangerous places should not be carried out under the truce. The Commission of Neutrals also believes that all movements of troops should cease and mobilization should be suspended during the truce. Your Excellency's agreement in this respect would facilitate the progress of negotiations and would be received with pleasure.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2229 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

LA PAZ, September 4, 1932.

[Received 2:45 p. m.]

In replying to the cablegram dated the 2nd, we must state that Paraguay has already mobilized her forces in relation to place of danger. Bolivia, on account of distance and obstacles would need much time to place herself in equality of conditions. Therefore, proposal to suspend mobilization is inadmissible, as it would leave us at the discretion of Paraguay. We take the liberty of observing that delays in these proceedings are seriously prejudicial to Bolivia.

JULIO A. GUTIÉRREZ

724.3415/2267b : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*⁶⁰

[Translation]

WASHINGTON, September 10, 1932.

The representatives of the neutral countries have received with regret the refusal of Paraguay to accept a truce, and of Bolivia to suspend the mobilization of her troops at this time, and desire to point out once more the great responsibility incurred by any country which refuses to accept pacific means under such circumstances.

The representatives of the neutral countries, in order to make one more effort to discover some practical basis, not only for the cessation of hostilities but also for the settlement of the Chaco conflict, wish to ask whether Bolivia and Paraguay are disposed to stop hostilities immediately and enter into an arrangement which shall definitively lead to a settlement of the conflict by arbitration.

In order to be in position to present a clear and definite proposal, in accordance with the ideas set forth, the Neutral Commission has the honor to ask whether Bolivia and Paraguay agree that, if after 3 months of negotiations, which would begin at the latest on October 1, 1932, and the two governments have not been able to reach an agreement, either as to a direct arrangement of the difficulties or else with regard to the manner of submitting the conflict to arbitration, the

⁶⁰ The same telegram, September 10, to the Paraguayan Minister for Foreign Affairs.

different points of view of the two governments in regard to the arbitration compromise shall be submitted to the Seventh Pan American Conference, which will be held in Montevideo in 1933, or to the Permanent Court of International Justice of The Hague, in order that the Conference or the Court, as the case may be, may draw up the arbitration compromise which they consider will be the most equitable and just for both parties.

The Commission of Neutrals has viewed with deep anxiety the latest acts of hostility in the Chaco, which cause such serious injury to the interests of peace and to the good name of America.

It earnestly recommends that immediate orders be given to stop all military aggression and movement of troops.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2269 : Telegram

*The Paraguayan Minister for Foreign Affairs (Benítez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

ASUNCIÓN, September 12, 1932.

[Received 1:15 p. m.]

In reply to your cable of the 10th,⁶¹ I have the honor to inform you that my country has not refused to accept truce previously proposed, as it limited itself to making conditional on suspension of mobilization, without which it is ineffective and dangerous, as proved by subsequent facts. In accordance with her peaceful policy, Paraguay has, up to the present, accepted all methods of conciliation and is disposed to accept suspension of hostilities, provided she is granted *de facto* guarantees of security to eliminate danger of further combats, and also accepts juridical proceedings for definitive settlement of boundary controversy. Paraguay deeply regrets conflict which

⁶¹ See footnote 60, p. 86.

causes profound and justified emotion among American nations and wishes to express her firm intention of terminating it as soon as possible, while safeguarding her honor and fundamental interests.

JUSTO PASTOR BENÍTEZ

724.3415/2276 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

LA PAZ, September 13, 1932.

[Received 6:14 p. m.]

In reply to cablegram Commission of Neutrals dated the 10th, I have the honor to advise you that Bolivia at this moment is limiting herself to resisting the Paraguayan offensive. Suspension hostilities does not depend on the party attacked, which cannot abandon its defense. My Government, in accepting in the note of August 30th, the proposed truce, understood that immobilization of troops could not be an antecedent but a consequence thereof, subject to a special agreement, in view of the unequal situation of the two countries. Bolivia never refused pacific means consistent with her dignity, and accepted truce proposal without distrust in order to take up settlement of fundamentals. In repeating now the same attitude, I have to advise you that once a truce has been agreed upon, an attempt would be made to effect a direct arrangement or establish the bases of arbitration under the friendly auspices of the representatives of the neutral powers.

JULIO A. GUTIÉRREZ

724.3415/2288f : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*⁶²

[Translation]

WASHINGTON, September 14, 1932.

The Commission of Neutrals notes with satisfaction that the Governments of Bolivia and Paraguay express their decision to accept pacific means for the settlement of the conflict.

In proof whereof, at this time, it transcribes to Your Excellency the reply of Paraguay to the latest cablegram from the neutrals: [Here

⁶²The same telegram, *mutatis mutandis*, September 14, to the Paraguayan Minister for Foreign Affairs.

follows text of telegram of September 12, printed on page 87.]⁶³

Under such circumstances it is inconceivable and deserving of the most severe censure that blood should flow on American soil.

The Commission of Neutrals makes a new, urgent appeal to the antagonists to:

First. Order the immediate cessation of hostilities, and

Second. Order the withdrawal of their troops to 10 kilometers behind the line which they at present occupy in the Chaco, the zone being demilitarized.

The commission would send representatives in order that they might certify that such withdrawal, which should be initiated on the 16th of September, had been carried out. The possibility would thus be assured of stopping the shedding of blood, and undertaking the negotiations for the arrangement of the fundamental problem, the pacific settlement of which is desired by both contenders and is demanded by the prestige and the humanitarian sentiments of all America.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2291 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

LA PAZ, September 16, 1932.

[Received 9:55 a. m.]

In reply cable of the 14 we answer as follows: Bolivia again states that she is disposed to suspend hostilities but points that, facing a strong Paraguayan offensive, she cannot lay down her arms nor withdraw to 10 kilometers without compromising her situation. There should be a mutual agreement. Moreover, with regard to the

⁶³ In the Neutrals' note to Paraguay, substitute: [Here follows text of telegram of September 13, printed *supra*.]

withdrawal, we point out that it is impossible in view of the circumstances of the terrain. We consider that when once the suspension of hostilities has been accepted there can be no fear of further encounters because neither of the parties would fail to keep its pledged word and if any guaranties were deemed necessary they could be given. We confirm our proposal to enter into negotiations on the settlement of the fundamentals of the controversy.

JULIO A. GUTIÉRREZ

724.3415/2301 : Telegram

*The Commission of Neutrals to the Bolivian Minister for Foreign Affairs (Gutiérrez)*⁶⁴

[Translation]

WASHINGTON, September 17, 1932.

The Commission of Neutrals, noting that both parties consider difficult the withdrawal without delay of their troops to the distance proposed, and continuing in its efforts for assuring peace, has the honor to propose the immediate cessation of hostilities and the appointment of a delegation of neutral military men to oversee in the Chaco the fulfillment of the agreement of non-aggression and non-mobilization of forces with powers to move to a distance the contender who may be the aggressor in the future. Hostilities would cease absolutely in accordance with the doctrine of August 3, while a study is being made of arbitration or other pacific means of solution of the conflict.

Agreement with this proposal would honor both parties and would be grateful to all America.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

⁶⁴ The same telegram, September 17, to the Paraguayan Minister for Foreign Affairs. •

724.3415/2302 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

LA PAZ [undated].

[Received September 18, 1932—1:05 p. m.]

166. I have the honor to reply to the cabled note of yesterday from the representatives of the neutral countries. My Government, consistently with its previous declarations and particularly with the terms of its note of the 16th, accepted the immediate cessation of hostilities, conformity with it having first been obtained from the adversary. As to the guarantees of non-aggression, my Government believes that, the agreement to the cessation of hostilities having first been made, such agreement will be loyally carried out. It believes that a civil commission of neutrals would function with greater advantages of all kinds in guaranteeing non-aggression and in establishing, if the case should arise, the violation of the agreement. With respect to non-mobilization in the Chaco, it considers it should be agreed upon on the basis of equality of conditions on the terrain for both parties.

JULIO A. GUTIÉRREZ

724.3415/2317a : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*

[Translation]

WASHINGTON, September 21, 1932.

In reply to a request for clarification which this Commission of Neutrals addressed to him the delegate of Paraguay at Washington, by instructions of his Government, states to us that the following conditions for the cessation of hostilities would be acceptable to his Government:

“First. The day and the hour of the suspension of hostilities are to be fixed in advance by Neutrals and accepted by the parties.

“Second. The date of the suspension will be fixed with sufficient margin so that it may be possible for the pertinent orders to reach the various detachments of troops, some of which are mobile, or lack a telegraph station.

“Third. Taking as line of reference the meridian 60 degrees from Greenwich, the withdrawal of each army to be made to 70 kilometers on each side of the said meridian, respectively, within the time limit of 3 days, starting from the date on which the suspension of hostilities is ordered.

“Fourth. Immediately after the foregoing withdrawal has been

effected, there will be initiated another one for which a time limit of two weeks will be accorded, which withdrawal will consist in the withdrawal of the Bolivian troops to the west of meridian 62½ from Greenwich, and of Paraguayan troops on its fluvial littoral.

"Fifth. Within the same time limit a plan of equitable demobilization to be agreed upon.

["The Government of Bolivia has not yet declared itself regarding these conditions, but it is to be hoped that it [will] accept them, as soon as the honorable Commission deigns to bring them to its knowledge. The Government of Bolivia has expressed repeatedly its pacifism, and therefore cannot fail to agree to measures tending both to the suspension of hostilities and to the radical elimination of all possibility of war in the Chaco."

The Commission of Neutrals fulfills the mission of transmitting them to Your Excellency, and will appreciate your prompt reply.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2321 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Chairman of the Commission of Neutrals (White)*⁶⁵

[Translation]

LA PAZ, September 22, 1932.

[Réceived 2 p. m.]

The Government of Bolivia has received the cable note of the 21st instant in which the representatives of the neutral countries transcribe to it the clarifications of the delegate of Paraguay regarding the bases for the cessation of hostilities which we (have) already rejected by note of the 16th. In the name of my Government I have to state the following:

First. Points 1 and 2 of those clarifications have the manifest intention of protracting the negotiations while awaiting some Paraguayan military success.

Second. The datum that the field of operations covers hundreds of kilometers and that it is not possible to give immediate orders

⁶⁵ Copy transmitted to the Paraguayan Minister for Foreign Affairs by the Commission of Neutrals in telegram dated September 22.

which would reach the various detachments of troops is not in agreement with the truth. The points of contact and combat are limited to 70 kilometers in the sectors of Boquerón and Agua Rica, whence news comes to Asunción within a few minutes. In the rest of the extensive line there are enormous vacant stretches without any contact of troops. In reality Paraguay is giving a false impression to the neutrals, trying to confuse their judgment with the intention of gaining time and not suspending hostilities despite her apparent desire to do so.

Third. The withdrawal of our troops to 70 kilometers from meridian 60 is another condition with a purpose analogous to the former. What Paraguay is seeking by the withdrawal of our fortines and troops up to that limit is to remain practically mistress of the Chaco. Her withdrawal up to the river does not constitute disoccupation since her civil possessions remain up to about meridian 60. Furthermore, mistress of the river and of railways which penetrate into the interior of the Chaco, her demobilization is nominal, she being able at any moment to concentrate her forces with great facility and swiftness. The withdrawal of our fortines would mean for Bolivia the abandonment of the Chaco since they being located in the arid and waterless part, our civil positions are reduced on those points. In this way Paraguay would follow her dilatory policy in order to effect no agreement on the final solution of the dispute.

Fourth. We confirm our note of the 16th instant.

JULIO A. GUTIÉRREZ

724.3415/2327a : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*⁶⁶

[Translation]

WASHINGTON, September 22, 1932.

The Commission of Neutrals has received cablegrams from the Governments of Bolivia and Paraguay indicating that they are disposed to terminate hostilities.

They have, however, proposed various conditions, as a prerequisite to such termination and this has resulted in the continuation of the struggle in the Chaco for many days. If one or both countries really desire the cessation of hostilities, there is no excuse for requiring that conditions of the kind indicated to the neutrals be a *sine qua non* for the restoration of peace. That one country should continue the struggle when the other desires to put an end to hostilities will mean that it is using force as an instrument of national policy in its relations with that other country, which is absolutely contrary to the declaration of the American Nations of the 3rd of August last, a declaration which was accepted by Bolivia and Paraguay.

⁶⁶ The same telegram, September 22, to the Paraguayan Minister for Foreign Affairs.

In order to put an end to this anomalous situation in which both parties give assurances that they desire to terminate the combats, but fail to specify the date on which this would be accomplished, the Commission of Neutrals appeals both to Bolivia and Paraguay in order that they may accept an unconditional termination of hostilities and the immediate initiation of negotiations for the settlement of their differences by means of an arbitration without reservations.

The Commission of Neutrals will immediately send a delegation to the Chaco to verify the effective termination of hostilities, and informs the parties that if its delegation advises it that one of them has violated the engagement to terminate the struggle, the Commission of Neutrals will declare that such country is the aggressor and will suggest that all the Governments of America withdraw their diplomatic and consular representatives from that country.

The foregoing stipulations offer all necessary guarantees to both parties and they can accept them with dignity and without prejudice to their right, especially because of the fact that in accordance with the doctrine of the 3rd of August, military movements or positions do not in the least affect the juridical situation of either of the contenders.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2328 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

LA PAZ, September 23, 1932.

[Received 5:06 p. m.]

185. In reply to today's [*yesterday's?*] cablegram from the Commission of Neutrals I have the honor to state that my Government is disposed to give order for suspension of fire in the Boquerón sector for tomorrow, September 24, at 12 o'clock, provided Paraguay gives the same order for the same hour and place and that we are

notified of her acceptance by 21 o'clock today. My Government is making this last effort for peace as it believes that if this opportunity is lost, it will be impossible for it to check the course of events.

JULIO A. GUTIÉRREZ

724.3415/2328 : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Gutiérrez)*

[Translation]

WASHINGTON, September 23, 1932.

The Commission of Neutrals in reply to your cablegram of today states that its proposal of yesterday referred to the termination of hostilities in all the Chaco and not only in one sector, and that it also includes as an integral part the acceptance of the immediate initiation of negotiations for the arrangement of your differences by means of an arbitration without reservations.

As soon as the Government of Bolivia accepts that which was proposed by the Neutrals in their cablegram of the 22nd they will take great pleasure in communicating the fact to the Government of Paraguay.

The Commission also expects a reply to the other proposals of its cablegram of the 22nd.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2407

*The Paraguayan Delegate (Soler) to the Chairman of the
Commission of Neutrals (White)*

[Translation]

WASHINGTON, September 26, 1932.

MR. PRESIDENT: I have the honor to bring to Your Excellency's knowledge the reply to the cabled note of the twenty-second of the current month, addressed to my Government by the honorable Commission of Neutrals.⁶⁷

⁶⁷ See footnote 66, p. 93.

The literal text of the said reply is as follows:

“Mr. President of the Commission of Neutrals: Paraguay accepts the latest suggestion of Your Excellency with the following bases: First—Cessation of hostilities on the date and at the hour which may be fixed by the Neutrals for both parties with reasonable advance notice. Second—Immediate and simultaneous withdrawal of both armies until the Chaco is entirely demilitarized, within the period of two and three weeks, under supervision of the Neutrals and after agreement of the parties. Third—Reduction of the military effectives to the minimum required for the internal security of each country, to be determined and supervised by the Commission of Neutrals. Fourth—Submission of the controversy to international justice.

Justo Pastor Benítez,
Minister of Foreign Relations.”

I avail myself [etc.]

JUAN JOSÉ SOLER

724.3415/2345a : Telegram

The Commission of Neutrals to the Paraguayan Minister for Foreign Affairs (Benítez)

[Translation]

WASHINGTON, September 26, 1932.

The Commission of Neutrals has learned with pleasure of the acceptance by Your Excellency of its latest suggestion relative to the sending of a mission of neutrals to the Chaco and the submission of the controversy to arbitration without reservations.

It notes, however, that in numbers 2 and 3, points are presented as prerequisites for the termination of hostilities which the Commission of Neutrals in the Chaco will have to take under advisement in order best to perform its duty. In order that we may transmit to the Government of Bolivia the unconditional acceptance of the proposal of the Commission of Neutrals of the 22nd of this month, it would be much appreciated if Your Excellency would promptly state your acceptance in view of the preceding explanations.

The mission of neutrals now accepted by both parties is ready to start for the Chaco, with the certainty that it can insure the reconciliation of the combatants, thus contributing to the final settlement of all the differences by means of arbitration.

FRANCIS WHITE

President of the Commission of Neutrals

J. VARELA

Minister of Uruguay

FABIO LOZANO T.

Minister of Colombia

JOSÉ T. BARÓN

Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA

Chargé d'Affaires of Mexico

724.3415/2341 : Telegram

*The Bolivian Minister for Foreign Affairs (Gutiérrez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]*

LA PAZ, September 26, 1932.

[Received 9:30 p. m.]

198. My Government replies to the cabled notes of the Commission of Neutrals dated the 22nd and 23rd of this month in the following explanatory terms: in view of the urgency with which the neutrals requested the cessation of hostilities Bolivia agreed to suspend them on the following day at a set hour provided that Paraguay also agreed and that the said agreement be communicated to her on the same day. The neutrals observed that such suspension should be in the whole Chaco and not only in the Boquerón sector and that moreover it should be integrated with the immediate initiation of negotiations by means of an arbitration without reservations. Bolivia spoke of the Boquerón sector and its vicinity because that is where a combat is now taking place, understanding that in the rest of the Chaco there were no hostilities to suspend. In the explanation which she formulated on the same date, the 23rd, through her Minister in Washington⁶⁸ she stated that the suspension would naturally include the whole Chaco, an explanation of which the neutrals had cognizance. As to the delegation which the neutrals would send to the Chaco to verify the actual termination of hostilities my Government has already stated its opinion in note dated 18th. Bolivia calls attention to the fact that at no time has she demanded impossible conditions for the cessation of hostilities showing herself always disposed, once hostilities were suspended, to take steps for a basic arrangement or an arbitration. The conditions previous that have stood in the way of the armistice have not come from her. Thus it is that in the latest cablegrams the requirement to submit beforehand to an arbitration without reservations is one of those requirements which hinder agreement and which therefore favor the prolongation of hostilities.

JULIO A. GUTIÉRREZ

* Translator's note: Part of the Spanish original lacked punctuation marks, which have been supplied in the translation. [Footnote in the file translation.]

⁶⁸ Not printed.

724.3415/2408

*The Paraguayan Delegate (Soler) to the Chairman of the
Commission of Neutrals (White)*

[Translation]

WASHINGTON, September 28, 1932.

MR. CHAIRMAN: I have the honor to transmit to the Commission under your worthy Presidency the following cabled note from my Government in reply to the last despatch⁶⁹ from the honorable Commission of Neutrals:

“Mr. President of the Commission of Neutrals: The Paraguayan Government is prepared to begin steps of conciliation and broad arbitration, but it judges indispensable the termination of hostilities and not a mere truce. To this end it insists on the necessity for establishing as a prerequisite a régime of reciprocal security, consisting in the total demilitarization of the Chaco and the reduction of the armies. Once an agreement has been reached on these points the creation of a commission of neutral military men will be contemplated in order to see to the faithful execution of the said agreement. Paraguay will suspend hostilities, once both conditions have been accepted by Bolivia, under the guarantee of the Neutrals. It is superfluous to dwell upon the fact that the Paraguayan proposals constitute an organic whole, which it is impossible to dismember, because they answer to the necessity of fixing conditions of security before beginning the steps toward arbitration of suspending hostilities.

Justo Pastor Benítez,
Minister of Foreign Relations.”

I avail myself [etc.]

JUAN JOSÉ SOLER

724.3415/2376 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, September 30, 1932—2 p. m.

[Received 8:50 p. m.]

122. The President this morning told me that the temper of the Army was such that the taking of Boquerón and Toledo could not be delayed. He thinks the same is likely to happen at Samaklay which has been greatly strengthened by the Bolivians since it was taken by them. He believes that thereafter may come a lull and that at the beginning of the rains Bolivia will find her hands more than full in extricating her troops from their untenable positions. If there is any possibility of truce he believes it will be most likely at

⁶⁹ Dated September 26.

that time, but he realizes that the difficulties in the way will now be very great at La Paz. The fighting at Boquerón is considered to have demonstrated that the Bolivian rank and file are poor soldiers unable to withstand trench fighting and bayonet work although splendidly led by foreign trained officers.

Ayala is bitter at Argentina whose intrigues he blames for the apparent reluctance of the neutrals to enforce Bolivian retirement and agreement for arbitration, and who, he considers, contrary to her asseverations, is now desirous of seeing the League usurp the place of the neutral powers in order that the prestige of the United States be diminished in Latin America.

WHEELER

724.3415/2414 ¾₁₃

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] October 3, 1932.

Mr. Soler telephoned me on Monday morning, October 3, to say that he had received a reply from his Government in answer to the two questions which the Neutral Commission put to it last Friday. He said that his Government considers the limits of the Chaco to be to the north and west of the River Paraguay. To the north, up to the Xauru, and to the west, to the Parapiti. To the south, the Pilcomayo, and to the east, the Paraguayan River. Mr. Soler added that the limits of the Chaco are also set forth in the first Paraguayan memorandum accompanying the Paraguayan counterproposal for a pact of non-aggression.⁷⁰

With respect to the second question, whether Paraguay thought it could now stop hostilities, he said that his Government did not feel that it could do so on account of the fact that it was being attacked by two Bolivian armies in the Chaco. I told Mr. Soler that I would communicate this negative reply to the Neutral Commission—that I personally could not escape the conviction that, Bolivia for the past two weeks having expressed its readiness to terminate hostilities and enter into negotiations for a settlement, Paraguay would have to be considered the aggressor in view of her refusal to accept. I said that I could not find much sympathy with the statement that Paraguay was being attacked in view of the fact that Bolivia had expressed its readiness to stop hostilities and the fact that it was the Paraguayans who are now advancing. I advance, as my purely personal views, that Paraguay is playing a very dangerous game. Paraguay

⁷⁰ Notation on original: "I read and showed this paragraph to Dr. Soler on Oct. 4 and he said it sets forth correctly the Paraguayan position. F[rancis] W[HITE]."

is at the present time winning a military victory. The fortune of arms may well turn against her, however, and then Bolivia may not wish to stop hostilities, although Paraguay will then undoubtedly be urging the Neutrals strongly to do something to stop Bolivia. Paraguay will thus have lost its opportunity and will have to take the consequences.

Mr. Soler said that he had instructions to transmit to his Government at once any views or suggestions that the Neutrals might wish to make and asked if there was anything I wanted him to transmit to his Government. I told him that I would communicate his reply to the Neutral Commission and if they have anything which they wish him to communicate to his Government I would advise him thereof.

F[RANCIS] W[HITE]

724.3415/2391 ½

The Paraguayan Delegate (Soler) to the Commission of Neutrals

[Translation]

MEMORANDUM

In obedience to the request of the Commission of Neutrals which desires to know whether Paraguay is disposed to submit to arbitration without reservations, that region of the Chaco included within the boundaries which I have indicated, i.e., the Jaurú, the Parapití, Pilcomayo and Paraguayan Rivers, being sufficiently authorized by my Government, I reply:

The question which Paraguay is prepared to submit to arbitration without reservations is the question of boundaries between the two countries, Paraguay and Bolivia, and not a specified zone, as Paraguay does not admit any territorial dispute nor any question of recovery over the Chaco. More properly, the arbitration must be one of boundaries and not of territory.

JUAN JOSÉ SOLER

WASHINGTON, October 6, 1932.

724.3415/2398 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, October 7, 1932—2 p. m.

[Received 6:06 p. m.]

126. The Government here considered that a neutral military commission, whatever the facilities given it, unless retirement of troops took place, would find it impossible on account of the geography of the Chaco, its great forest, wide waterless areas and great distances

between the fortines of either side, to carry out successfully its purpose. Encounters might occur anywhere at any time and the commission would have to be omnipresent. In case of a mutual retirement, however, it could by a mere air tour of the fortines ascertain that they were deserted. The President who has just returned from Boquerón expressed regret to me today that the neutrals did not seek advice on this point by asking of one of the A. B. C. Powers, say, of Argentina, a confidential report from its Military Attaché here who with other Military Attachés has been observing operations at the front.

Bolivia's reservation from the field of arbitration of the entire Chaco except the small portion covered by the Hayes Award has confirmed this Government in its conviction that no peaceful agreement can be arrived at with her and that Paraguay has no choice but to continue fighting till she is in another mind.

WHEELER

724.3415/2399 ½

The Bolivian Legation to the Commission of Neutrals

[Translation]

MEMORANDUM

Although the Bolivian Government cannot understand the purpose of the steps which the Honorable Commission of Neutrals has been taking in order to propose a plan of arbitration, when Paraguay is beginning a general offensive in the Chaco, with the manifest intention of settling the territorial controversy by force of arms, it wishes to yield once more to the requests of the said Commission and has instructed its confidential agent in Washington to communicate to it the explanations which are requested on the "area of the Chaco".

The Bolivian Government presumes that what the Commission of Neutrals wishes to know is the area of the Chaco which is subject to dispute or controversy, according to the judgment of Bolivia, because the term "Chaco" is too inexact and may embrace regions belonging to the unquestioned sovereignty of Bolivia, on which Bolivia does not admit of discussions with Paraguay. Paraguayan diplomacy and propaganda have for some time exaggerated the area of the Chaco, extending their claims to inconceivable limits, with the sole object that an equitable settlement may assign to Paraguay the greater part or the whole of the zone which is really controversial. Against such tactics Bolivia cannot employ the same method, both because it disdains such procedure, and because the Chaco has, on the east, a fixed natural boundary constituted by the Paraguay River.

To speak definitely in this respect, the maximum claims of Paraguay in the past did not go farther than Bahía Negra. This is shown by official Paraguayan maps and by their plans for the census of the Chaco. The greater claims are only recent and are due to the tactics mentioned above.

As to Bolivia, bearing in mind the fact that the Chiquitos missions, which belong to the bishopric of Santa Cruz, extended in colonial times as far as San Ignacio de Zamucos, situated on parallel $21^{\circ} 30'$, no greater area on the north can be considered as disputable than that which is bounded by the parallel corresponding to the mouth of the Apa.

With respect to the western boundary of the controversial Chaco, the Argentine-Paraguayan Treaty of 1876⁷¹ determined that the western boundary of the territory which both nations claimed from the other, was determined by the meridian which passes through the sources of the principal branch of the Pilcomayo, approximately $59^{\circ} 25'$ (west) of Greenwich. The Bolivian territory situated to the west of the diagonal line drawn from Bahía Negra to the principal branch of the Pilcomayo was covered by that treaty, in which Bolivia did not intervene. Bolivia, therefore, could hardly consider as controversial that which Paraguay itself has recognized as being undeniably Bolivian.

Nevertheless, in spite of this favorable circumstance, Bolivia would accept, for a zone of arbitration, the limit $59^{\circ} 50'$, to which corresponds the meridian of the source of the Verde River.

Such are the Bolivian viewpoints with relation to the area of the controversial Chaco, which the Commission of Neutrals should take into account for any proposal of settlement by arbitration which it may see fit to suggest to the parties.

WASHINGTON, October 9, 1932.

724.3415/2425 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, October 15, 1932—11 a. m.

[Received 12:40 p. m.]

104. Ex-President Montes, now President of the Central Bank, returned on October 13 from a 3 weeks' visit to the Bolivian positions in the Chaco, and at the meeting held on that day at the Palace, was instrumental in temporarily preventing an open break between

⁷¹ Signed at Buenos Aires, February 3, 1876, *British and Foreign State Papers*, vol. LXVIII, p. 97.

the Government and the Army, although he apparently could not convince the President of the necessity of organizing a coalition and left the meeting.

Invited to secret plenary session of Congress yesterday he described the situation of the Bolivian troops in the Chaco as appalling, and declared that he was opposed to the prosecution of a war for which Bolivia was entirely unprepared, although he warned that internal disturbances would only make the situation worse, and urged support of the administration in spite of its errors in the past.

His remarks made a deep impression and reflect the sentiment of a large sector of Bolivian opinion, which for lack of leadership and fear of criticism has not made itself felt up to the present time. Under the circumstances and because of the critical internal situation I am of the opinion that the Government would seize upon any pretext to extricate itself from the dilemma and that forcible measures by the neutrals would be welcomed as offering such a pretext although there would be a storm of protest.

The feeling against Argentina is so strong that the inclusion of Argentina in any concerted action of the American countries would prejudice Bolivia against it.

FEELY

724.3415/2425 : Telegram

The Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, October 17, 1932—1 p. m.

39. Your 104, October 15, 11 a. m. Neutrals on October 12th requested Bolivian and Paraguayan delegates⁷² to ask their Governments by telegraph to authorize them to come to a meeting of the Commission of Neutrals to discuss, draw up, and sign with the delegate of the other country an agreement covering the following points: (1) separation of troops in the Chaco; (2) demobilization of the reserve troops of both countries, and (3) reduction and limitation for a stated period of the regular army in both Bolivia and Paraguay.

They were informed that it is understood of course that a commission of neutral military officers will be provided for in the agreement to verify compliance with the above conditions. The agreement should also provide that the controversy between the two countries will be settled solely by arbitration and provide for the opening within a reasonable period, say a fortnight after the signing of the agreement, of negotiations for an arbitral settlement of the Chaco dispute.

⁷² Proposal of October 12 not printed.

Paraguayan delegate on 14th received authorization from his Government in the sense requested. Bolivian delegate still has no such authorization. This proposal would seem to offer the Bolivian Government the pretext you mention to extricate itself from its present dilemma and it is hoped that it will promptly authorize Finot to attend the conference.

STIMSON

724.3415/2455a : Telegram

The Chairman of the Commission of Neutrals (White) to the Secretary of State, at Pittsburgh, Pennsylvania

WASHINGTON, October 26, 1932.

Bolivia accepted this afternoon neutral proposal already accepted by Paraguay that the two delegates enter into a conference under the auspices of the Neutral Commission to stop hostilities and settle Chaco dispute. First meeting will take place at 3 o'clock tomorrow afternoon. Above released to press.

WHITE

724.3415/2480 ½

The Paraguayan Delegate (Soler) to the Chairman of the Commission of Neutrals (White)

[Translation]

WASHINGTON, November 1, 1932.

MY DEAR MR. WHITE: In order that the negotiations of which you have charge may obtain the success which we desire in the interest of peace, which is the interest of all, I beg you to give consideration to the following viewpoints.

What Paraguay desires is not a mere truce, a period of waiting between hostilities, but a final peace which will permit the countries in conflict to work for their welfare and growth, free of suspicion and concern on the score of an unfriendly neighbor.

Looking at the question with which we are concerned from this point of view any solution would be difficult if not impossible for Paraguay, unless provision is specifically made for the total withdrawal from the Chaco of the Bolivian army and for guarantees capable of preventing any further aggression. At your request I do not insist upon the use of word demilitarization, because the important thing is not the words but the ideas. One assurance which I can give you, is that Paraguay, even if victorious, for you have probably observed that I did not draw argument from our advantageous mili-

tary situation at the last meeting nor do I do so now, Paraguay, I repeat, will not fail to submit her boundary dispute with Bolivia to arbitration, and in general, to any juridical means of settlement.

As to the clause relative to compensation charged to Bolivia, for the families of the victims and the disabled veterans of this war which we did not desire nor provoke, I have to inform you that according to new instructions received, I cannot withdraw it. I ask that you be good enough to convey this reply to the knowledge of all those who formulated and supported the request at the last meeting. The reasons which the Government of Paraguay had for this clause have not changed and instead of becoming weaker tend very justly and obviously to become stronger.

Receive again, Mr. White, the assurances of my high consideration and great personal esteem.

JUAN JOSÉ SOLER

724.3415/2493 ½

The Bolivian Legation to the Commission of Neutrals

[Translation]

Acceding to the request formulated by the Honorable Commission of Neutrals, the Government of Bolivia would be disposed to withdraw its troops to the general line of fortín Vargas, Madrejón, Camacho, Platanillos, Muños and Esteros. As may be seen on the attached map,⁷³ this line signifies a more than sufficient withdrawal in order to assure the absolute separation of the opposing troops, which separation, furthermore, would be guaranteed by the supervision of the proposed Neutral Commission. The Paraguayan troops should withdraw in such case to a proportional distance, bearing in mind the inequality in the means of transportation and mobilization. The map indicates also the location of the advanced fortines which Bolivia now occupies and which it would have to abandon in order to withdraw to the line indicated above.

The proposal to reduce the military effectives of the countries in the controversy for a given period is not acceptable to Bolivia whose extensive frontiers require protection. The necessity for guaranteeing its independence, in view of its special geographic situation, oblige it to maintain an indeterminate number of military effectives. Furthermore, an elemental juridical consideration forces it to think that it is not possible to require a country, without the sacrifice of its dignity and sovereignty, to agree to the limitation of its military forces, except in the case of a general or joint agreement, in which

⁷³ Not reproduced.

may be invoked what the treaty makers call the "auto-limitation" of sovereignty, by a spontaneous decision or due to mutual convenience. It must be borne in mind that Bolivia and Paraguay are not the only two nations which exist in South America whose rights and interests may be found to conflict at the present time or in the future. The fact that the point concerning the limitation of military effectives is a Paraguayan suggestion, according to the statement of the Minister of Uruguay at the meeting of October 27, last, leads one to think that it will not be sustained by the Honorable Commission of Neutrals, in view of the fundamental objections which were opposed at that meeting by the Plenipotentiary of Bolivia and which are confirmed in the present memorandum.

The Bolivian representative hopes that the fundamental good faith with which his Government is proceeding in these negotiations will be duly recognized and appreciated by the Honorable Commission of Neutrals, which is called upon by the nature of its duties to have the other interested party eliminate evidences of distrust which are as unfounded as they are injurious to Bolivia's dignity. The idea of "demilitarizing" the Chaco, suggested by Paraguay and not favored by the members of the Commission of Neutrals, according to explicit statements formulated at the meeting of October 27, is not only unfair and prejudicial but is included among those demonstrations of distrust which the Bolivian representative would like to see suppressed, in the desire of assuring the success of the present conference.

WASHINGTON, November 4, 1932.

724.3415/2483 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, November 4, 1932—7 p. m.

[Received November 5—12:12 a. m.]

145. The public demand that Paraguay break off conversations with the Neutrals has been growing in strength. Yesterday after a group of Senators and Deputies had called on him to urge retirement from Washington the President cabled Soler asking whether there was hope of any action in the near future. Ayala has been hampering further military advances so far as he is able, aware that the more reverses Bolivia suffers the more difficult it will be for her to recede from her position, but this Government has reached the point where it must either negotiate or go forward. The General Staff asserts that Muñoz can be taken any day its fall is desired. Ayala told me

today that if the military party continues to gain in strength he may, against his desire and efforts, even be forced to refuse arbitration.

There is increasing resentment here at the reported coming of General Kundt from Germany to Bolivia, as a move calculated to stiffen the Bolivian Government against any agreement for the cessation of hostilities. Penz has cabled a strong protest to the German Government as has also the German Minister here in the name of all German organizations, commercial and social, of Paraguay. The President hopes very strongly that the Neutrals may find it possible to register disfavor of his coming, not only on the specific ground above indicated but on principle, as amounting to an undesirable interposition of an European militarism in a matter whose solution should be left to the Americas. My Argentine and Chilean colleagues also have asked me to transmit this suggestion to you. They have cabled their Governments today recommending an expression by the latter to the German Government of a similar disapproval.

WHEELER

724-3415/2483 :Telegram

The Acting Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, November 5, 1932—3 p. m.

46. Your 145, November 4, 7 p. m. There is every prospect that with patience and good sense on the part of Bolivia and Paraguay an agreement can be arrived at. The conduct of the military campaign and the continuance of Paraguay in the conference here are matters which naturally only Paraguay can determine. This Government can express no opinion regarding the first. Regarding the second, it feels that Paraguay would certainly be making a most serious mistake to withdraw from the conference. This controversy has existed between Paraguay and Bolivia for many years and to break off the conversations after the first meeting, at which Paraguayan and Bolivian delegates met and discussed the matter, would seem to be unreasonable and it is not seen on what grounds it could be defended. Since that meeting Neutral Commission has been discussing the first topic in its proposal of October 12⁷⁴ to the two countries, namely the separation of the troops in the Chaco, and very favorable progress is being made with the Bolivian delegate. At the first meeting on October 27 Soler suggested that Paraguay withdraw its troops to the River and Bolivia withdraw to Villa Montes, a far greater distance away. Furthermore, the disadvantage to Bo-

⁷⁴ Not printed.

livia is enhanced by the greater difficulty in communications. Soler admitted privately, after the conference, that this was his first demand and is susceptible of modification. He has since receded to meridian 62½.

The Neutral Commission desires to bring about a termination at once and for all of hostilities and not merely to arrange for a truce and it is therefore endeavoring to have the troops on both sides withdrawn as far as possible and to have both sides demobilize down to a small reasonable figure. These two conditions, joined with the supervision of the withdrawal of the troops and supervision of the maintenance of the withdrawal by a Neutral commission should give ample guarantees to both sides that the other will not resume hostilities. Please take the matter up on this basis with the Paraguayan authorities, pointing out that favorable progress is being made and that it certainly does not appear reasonable to talk about withdrawing from the conference when there has so far been but one meeting of the two delegations at which they naturally put forth their major demands and resisted those of the other. With moderation and good sense on both sides, the prospects are most favorable for a settlement.

In order to aid the negotiations, please endeavor to find out the minimum withdrawal of Bolivian troops acceptable to Paraguay and the minimum number of troops Paraguay will want to retain under arms and the number of Bolivian troops which would be acceptable to Paraguay. You may state that this information will be kept strictly confidential and will not be communicated either to the Bolivian delegate or to the other Neutrals; it will be maintained in confidence but as an aid in the negotiations. If the Paraguayan Government will be moderate in its requests an agreement should be arrived at very shortly.

What is the reason for the public demand that Paraguay break off conversations with the Neutrals and who is responsible for inciting such a demand? If it is the militarists they should not forget the declaration of August 3. The only way Paraguay can get title in the Chaco which will be recognized by the other American nations is through a peaceful settlement. The way to a peaceful settlement is now in Paraguay's grasp if she will be moderate and cooperate with the Neutral Commission. Paraguay's best interests would seem to indicate that this is what she should do.

724.3415/2487b : Telegram

The Acting Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, November 5, 1932—3 p. m.

47. In order to help in the negotiations now going on by the Neutrals with the Bolivian and Paraguayan delegates, please endeavor to find out for confidential use and not to be communicated to the Paraguayans or to the other Neutral members how far Bolivia will agree to withdraw her troops in the Chaco and the minimum number of troops that Bolivia wants to retain under arms. The Neutrals feel that the best chances for success in bringing about an agreement between the parties and, after that is accomplished, in bringing about an arbitral settlement once and for all of the Chaco dispute lies in the greatest possible separation of the troops in the Chaco and the demobilization of the largest number of troops. This will of course help the economic condition in both countries also.

One consideration which you may discreetly use in your talks with the Bolivian authorities, if in your discretion you consider such action to be advisable, is the advantage to Bolivia of withdrawing troops as a result of her own free will and agreement rather than under the compulsion of Paraguayan forces. The Neutrals' suggestion of last July to withdraw to the line of June 1 has been shown by events to have been highly advantageous to Bolivia. Bolivia declined the suggestion and has now been forced back far beyond that line. Paraguayan troops appear still to be advancing in the Chaco and it would appear to be the part of good statesmanship to agree to a withdrawal of Bolivian forces voluntarily, obtaining at the same time the withdrawal of Paraguayan forces from her advanced positions, rather than to have hostilities continue with perhaps further forced retirement on the part of Bolivia. The Department realizes the delicacy of broaching this subject and leaves the matter entirely to your discretion but hopes that you will be able to influence the Bolivian Government to agree to a very substantial retirement. Finot proposed that Bolivia keep Fort Muñoz but if Paraguay is to give up her forts in the Chaco she will certainly not agree to Fort Muñoz being retained by Bolivia. Is there any possibility of getting Bolivia to withdraw to say the 63rd meridian?

CARR

724.3415/2488 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, November 7, 1932—11 a. m.

[Received 11 :55 a. m.]

116. As the resignation of the present Cabinet is already in the hands of the President pending results of Tejada's efforts to organize a coalition Cabinet under the paragraph [*parliamentary?*] system, I consider it advisable to delay action on the Department's telegram No. 47, November 5, 3 p. m., until the Cabinet situation is defined, because the possibility of obtaining definite replies to the first two questions will be greatly increased if he is successful.

As to the last question, I feel sure that Bolivia will not now voluntarily consent to such withdrawal because Muñoz is her key position in the Chaco, and all the terrain and forts to the west of that position would be untenable if Muñoz were lost or given up. An offensive with Muñoz as a base is planned for March or April of next year, but I question whether the financial situation will permit of maintaining her present forces for so many months.

FEELY

724.3415/2493 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, November 8, 1932—4 p. m.

[Received 9 p. m.]

148. Your telegram No. 46, November 5, 3 p. m. The President assures me that he will oppose withdrawal from the conference by every means in his power and as long as he is able. This Government's determination is very strong to accept no mutual retirement of troops that will not mean demilitarization virtually of the entire Chaco. That being agreed to it will accept any estimate the neutral powers may determine upon as to the number of men Paraguay and Bolivia shall retain under arms. Paraguay will insist, however, on a right to maintain such police as are necessary to protect her Mennonite Colony, the railroad and her greater agricultural and cattle establishments against the Indians. In peace times she employed for this purpose about 100 men all told which number after demilitarization should normally be sufficient, but she will insist on the right to vary this number if at any time necessary. Her contention is that since Bolivia has only military establishments in the Chaco she has no need for this privilege and if it is granted her the way would

remain open for clashes to occur. The President is displeased at the publication from Washington of the matter of the indemnity, which Soler cables leaked from the State Department.

The Minister for Foreign Affairs is at the front. A third army, of 7,000 men, is being organized to supplement the first army now in the sector of present hostilities, the second army remaining in the North. A large movement will be begun in a few days.

WHEELER

724.3415/2491 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, November 9, 1932—5 p. m.

47. Your 148, November 8, 4 p. m. As Paraguay and Bolivia do not agree on the limits of the Chaco endeavor discreetly to find out minimum distance for Bolivian withdrawal that would be satisfactory to Paraguay. It will be most helpful if you can get some definite information on this point. Of course the more moderate Paraguay's demands the greater the chance of success in the negotiations.

You may categorically assure President that no information leaked from the Department of State regarding matter of indemnity. As Soler discussed this matter openly in the meeting of October 27 the Bolivian or one of the other neutral members may have said something about it but nothing whatsoever has gone out of the Department regarding it and there has been nothing in the American press regarding it.

STIMSON

724.3415/2498 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, November 9, 1932—7 p. m.

[Received 7:52 p.m.]

117. The Vice-President's⁷⁵ efforts to organize a parliamentary system Cabinet have failed because of the refusal of the Socialist Republicans to participate, and it is not likely that the President will accept the Vice-President's offer to organize a Cabinet under the old system, so that no progress toward political unity of administration has been made.

The evacuation of Fort Platanillos has been admitted and there are unconfirmed rumors that Forts Florida and Bolivar have been captured by Paraguay.

FEELY

⁷⁵ José Luis Tejada.

724.3415/2542 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, December 2, 1932—6 p. m.

53. The position of Paraguay appears to be that she requires some guarantee that Bolivia will not attack her again if hostilities are stopped and for that reason she is asking for demilitarization of the Chaco and demobilization of forces on both sides. Bolivia appears to take the position that she will not demobilize unless she has definite assurances that the Chaco matter will be disposed of for good and all and she wants arbitration within defined limits. The two countries have so far not been able to agree on the limits of the Chaco and Bolivia is opposed to so-called double arbitration, that is, submitting to arbitration first of all what are the limits of the Chaco and then within those limits have the arbitrator determine the boundaries between the two countries.

In order to obtain the withdrawal of the troops and the demobilization desired by Paraguay it is necessary to get some definite agreement regarding an arbitral settlement and for that reason we have been working on the basis of trying to find, if possible, limits to the Chaco that will be acceptable to both parties. Paraguay, on account of internal political conditions, is apparently reluctant to define the Chaco except on the extreme limits mentioned in your 156 of November 23, 9 a. m.⁷⁶ Bolivia, likewise for internal political considerations, can not agree to any such limits but might accept the 21st parallel or the parallel 20° 30'. So far it has not been possible to get Paraguay to agree to such a limitation. In order to find a fair basis which would meet the views of both parties it is hoped that something along the following lines would be accepted by both parties and would be fair to both:

1. Withdrawal of Paraguayan forces to the Paraguayan River.
2. Withdrawal of Bolivian forces to the line running from Fortín Ballivián to Fortín Vitrones. The line would pass through Fortines Camacho, Madrejón and Vargas.
3. South of that line and west of parallel 60° 30' to be policed by not more than 100 Bolivian civilian police and south of that line and east of parallel 59° 30' to be policed by not more than 100 Paraguayan civilian police. The zone between parallels 59½ and 60½ to be completely neutral zone to avoid any possible encounters between the police forces of either side.
4. The two parties to provide in the same agreement that they will immediately request the American Geographical Society of New

⁷⁶ Not printed.

York, the Royal Geographical Society of London, and the Geographical Society of Madrid to appoint each one qualified expert geographer and these three will meet and render a decision on the sole point of defining the area of the Chaco after hearing both sides.

5. As soon as this decision is handed down the Arbitral Tribunal will then immediately take jurisdiction and after hearing both sides will determine the territorial limits of both countries within the Chaco area as defined by the commission mentioned in No. 4.

It is hoped that such a proposal might overcome the Bolivian objections to so-called double arbitration. Please discuss this with President Ayala on the same basis as set forth in second paragraph of Department's No. 48 of November 18, 4 p. m.⁷⁷ and endeavor to have this accepted. The advantage of it of course from Paraguay's point of view is that it brings about virtual demilitarization of the Chaco. Paraguay is now trying to drive the Bolivians out of the Chaco by force of arms. Whether she will be successful or not no one can tell but even if successful it will be at great loss of life and at great cost. It could be accomplished immediately without further cost or loss of life by this agreement. Furthermore, the Bolivians would probably withdraw still further than that line as it would be difficult to maintain their forces there. Some such line has to be specified however in order to appease popular opinion in Bolivia. Paraguay has of course been demanding that policing of the whole territory evacuated militarily be turned over to Paraguay. It would be just as difficult for Bolivia to accept Paraguayan policing of Bolivian civilian groups around Fortín Muñoz, et cetera, as it would for Paraguay to accept Bolivian policing of their Mennonite Colony and other civilian settlements. Under this proposal Paraguay would police all Paraguayan settlements, Bolivia would have the right to police Bolivian settlements along the Argentine frontier and around Fortín Muñoz, and the area where fighting is now going on and has recently been going on, namely around Saavedra, Agua Rica, Boquerón, et cetera, would be made neutral territory.

Paraguay in the past has advocated submission to arbitration of the question of what constitutes the Chaco and then of establishing a boundary between the two countries within that territory. This is accomplished in the suggestion set forth above. The above proposal is eminently fair and it is hoped that President Ayala will promptly accept it in order to terminate the costly fighting now going on. Please cable results of your interview as soon as possible.

STIMSON

⁷⁷ Not printed.

724.3415/2542 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, December 3, 1932—11 a. m.

54. Department's 53, December 2, 6 p. m. Of course the agreement will provide that it in no wise affects the juridical status of either party. The division of the territory into zones for police purposes is therefore merely a device to aid and promote peace and will in no wise affect the claims of either party to the territory which will be unimpaired by this agreement and which will be settled of course by the arbitration.

STIMSON

724.3415/2585a : Telegram

The Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, December 3, 1932—3 p. m.

52. In order to try to find a fair basis which will meet the views of both parties, Finot has been asked to cable his Government to see whether something along the following lines would be acceptable to Bolivia as it is believed that this proposal is fair to both:

[Here follows text of points 1 to 5 inclusive contained in telegram No. 53, December 2, 6 p. m., to the Minister in Paraguay, printed on page 112.]

6. The agreement will of course provide that nothing therein affects in any way the juridical position of either country. The withdrawal of the troops to the lines mentioned and the fixing of zones for policing are therefore devices for maintaining peace and do not affect the rights of either party. The limits of the Chaco, as stated above, would be decided by a group of three geographers and the rights of both parties within the Chaco will then be determined by arbitration.

7. The forces of both sides will be demobilized down to a figure to be agreed upon in each case.

It is hoped that the proposal for the expert geographers will overcome the Bolivian objection to so-called double arbitration. The advantage of this proposal from Bolivia's point of view is that it brings about the immediate stopping of hostilities, permits Bolivia to demobilize her troops and hence cut down enormous expenses of maintaining such great forces so far from their bases. It protects all Bolivia's juridical rights in the Chaco and it provides for a definite settlement of the Chaco question. Bolivia has stated in the past that she could not demobilize until she knew that there would definitely be an arbitral settlement of this question. Bolivia has stated that once the troops were withdrawn and demobilized Paraguay would

not agree to arbitration and would carry on with Bolivia having withdrawn and demobilized. This difficulty is overcome by the present proposal which provides for a definite determination of the limits of the Chaco and an arbitral decision as to the territorial limits between the two countries therein.

The above proposal appears to be eminently fair and it is hoped that Bolivia will promptly accept in order to terminate the costly fighting now going on. Please discuss the matter discreetly with the Bolivian officials and cable results of the interview as soon as possible.

Washington Post this morning publishes Associated Press despatch from La Paz giving text of instructions cabled to Bolivian Legation in Washington regarding proposals now under consideration. Please point out discreetly that if these negotiations are to be successful there should be as little publicity as possible until an agreement has been obtained by both sides. Department very much fears that premature publicity may cause difficulties. Please advise accordingly that no further publicity be given this matter for the present.

STIMSON

724.3415/2585 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, December 4, 1932—10 a. m.

[Received December 5—9:06 a. m.]

166. Your telegram No. 53, December 2, 6 p. m., received yesterday at noon. The main features of its proposal including the line suggested were sent tentatively about 2 weeks ago by Soler here. The President then cabled that on no account could the line be considered. Nevertheless I spent 2 hours with him last night in an endeavor to bring him to change his decision. I regret to say that his reaction to the proposal is one of deep resentment. He stated that it is of such a character that he cannot afford even to lay it before his Cabinet.

His position is as follows: the Ballivián-Vitrones line practically divides the disputed Chaco territory in halves and the proposed retirement of Paraguay to the river and Bolivia to the line leaves Paraguay entirely out of the Chaco and Bolivia in possession of approximately half of it. Moreover as the line runs through two of Bolivia's chief points of concentration, namely, Fortines Ballivián and Camacho the plan would leave Bolivia not only occupying half the Chaco but in a strategic position to occupy the whole of it when she has reformed her army under Kundt and is ready to declare the truce at an end on the ground that agreement cannot be reached as to the bases for an arbitration. Paraguay has mobilized at enormous expense and

sacrifice and to leave Bolivia in military occupation of half the Chaco would necessitate Paraguay's maintaining her forces indefinitely which she cannot afford to do. She has no faith in Bolivia's honesty or intentions or in the ability of the neutral powers to restrain her under any agreement whatsoever from making another overt attack. Paraguay will not cease hostilities or make any agreement for an arbitration except under a specific guarantee and only guarantee which she at present believes would be effective and could be accepted is demilitarization of the entire Chaco and not merely the half of it which borders on Paraguay. In no case would she accept the neutralization of territory awarded to her in an arbitral court by a President of the United States.⁷⁸

Apparently as a result of Soler's cables this Government long ago, as reported in my telegram No. 46, July 9, 6 p. m., became convinced that four of the neutrals were lacking in interest and effort. Since that time the feeling has grown that they are merely figureheads, that the United States dictates the Commission's actions and that she is so greatly under the influence of Bolivian propaganda that she cannot be fair. My conviction remains that this Government will not yield on the point of virtual demilitarization of the entire Chaco whatever the consequences. Since my telegram 145, November 4, 7 p. m., my efforts have been largely directed toward preventing Soler's recall and the breaking off of the conversations. The matter was discussed yesterday in a somewhat stormy Cabinet meeting in which the President as usual opposed such action not however in the hope that the neutral powers would accomplish anything but on the ground that withdrawal would seem to indicate to the world that Paraguay did not desire a peaceful settlement.

The President tells me that confidential information from other South American capitals indicates that some 120 German officers mainly [from?] Argentina, Brazil and Chile have been selected by Kundt and will proceed to Bolivia at the end of the present rainy season.

WHEELER

⁷⁸ Decision of President Hayes in boundary dispute between Argentina and Paraguay; see *Foreign Relations*, 1878, p. 711.

724.3415/2585 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, December 5, 1932—5 p. m.

55. Your 166, December 4, 10 a. m. Neutrals are very much surprised at position Ayala takes. Soler's letter to the Neutral Commission of September 16,⁷⁹ transmitting textually the reply of the Paraguay Government to the Neutral suggestion of September 14, proposed that Paraguayan troops withdraw to the river and that Bolivian troops withdraw to parallel 62° 30'. Soler has led Neutrals to believe that a retirement to parallel 62½ would be acceptable. The Neutrals have so far succeeded in having Bolivia accept nearly the whole Paraguayan proposal. Ballivián is not quite at parallel 62° 30' but it is not far therefrom. After obtaining about 98 or 99 per cent of what Paraguay asked, including the very important consideration of the evacuation of Muñoz to say nothing of Forts Saavedra, Agua Rica, et cetera, it is most discouraging to have Ayala take the position he does now.

It is beside the point to speak of the Ballivián-Vitriones line as dividing the Chaco in half when there is no agreement between the parties as to what constitutes the Chaco. The withdrawal of the Bolivians behind the Ballivián-Vitriones line brings about the evacuation by them of all the territory mentioned in the Treaties of 1879,⁸⁰ 1887⁸¹ and 1894⁸² plus a good deal of territory as well and it brings about the virtual evacuation of all the territory within the line of the Pinilla-Soler line of 1907 plus considerable other territory.

If President Ayala will consider again carefully points 4 and 5 of the Department's 53, December 2, 6 p. m., he will see that the agreement provides definitely for the arbitral division of the Chaco and as these provisions will be part of the agreement signed now there will be no possibility for Bolivia to declare the truce at an end on the ground that an agreement cannot be reached as to the bases for an arbitration. The bases for the arbitration would be agreed to

⁷⁹ Not printed; the terms contained therein were transmitted to the Bolivian Minister for Foreign Affairs by the Commission of Neutrals in telegram dated September 21, p. 91.

⁸⁰ Decoud-Quijarro Treaty, signed at Asunción, October 15, 1879; Bolivia, Ministerio de Relaciones Exteriores, *Memoria*, 1893, pp. 246-250; Paraguay, Subsecretario de Relaciones Exteriores, *Coleccion de Tratados*, vol. I, p. 239.

⁸¹ Aceval-Tamayo Treaty, signed at Asunción, February 16, 1887; Bolivia, Ministerio de Relaciones Exteriores, *Memoria*, 1893, pp. 252-258; Paraguay, Subsecretario de Relaciones Exteriores, *Coleccion de Tratados*, vol. I, pp. 248-252, 254-255.

⁸² Benítez-Ichazo Treaty, signed at Asunción, November 23, 1894; postponed indefinitely by Paraguayan Congress, May 19, 1896; Paraguay, Subsecretario de Relaciones Exteriores, *Coleccion de Tratados*, vol. I, p. 256.

now in the arrangement proposed and thereafter the settlement would be automatic as the territory would be defined by the geographers and then the Arbitral Tribunal would render its decision as to its division. This is the only way by which it appears that Paraguay can prevent the Bolivians from reorganizing their army under Kundt.

The criticism of the Neutrals is most unfair and unjust. What the Neutrals have succeeded in doing if Paraguay accepts this agreement is to have Fort Muñoz and the other strong forts which Paraguay has so far been unable to take evacuated by Bolivia. It will put an end to the war so that both sides can and must demobilize and provides for a definite settlement of the fundamental question without the possibility of either side blocking such a settlement by refusing to agree on the bases thereof.

Bolivia committed a costly error in not accepting the Neutral proposal last August to go back to the line of June 1. They have now been driven very much further back. Paraguay should learn from this lesson that when she can get her objectives by peaceful means it is much more to her advantage to do so than to trust to the uncertain hazards of war. It is not at all certain that Paraguay will be able to drive the Bolivians out of the Chaco or even take Fort Muñoz. She is a long way from that now. Under the Neutral suggestion Muñoz and other important points will be evacuated and the Bolivians will be back practically to parallel $62^{\circ} 30'$ as suggested by Paraguay on September 16. Ayala should also remember that it was Paraguay's own suggestion that Paraguay withdraw to the river and the Neutrals have nothing to indicate any change in this position.

One of the difficulties that the Neutrals have encountered in the past have been that one side or the other has limited itself to rejecting their proposals without saying frankly and definitely what it would accept. Inquire specifically of Ayala what point he demands the Bolivians to withdraw to. If the line $62^{\circ} 30'$ to Fort Vitrones is what he wants the Neutrals will endeavor to get it. They have already had to exert great efforts on Paraguay's behalf to obtain the Ballivián line. The efforts and negotiations which have brought about this enormous gain for Paraguay should merit the approval and appreciation of Paraguay rather than the carping criticism which you indicate exists. This is a retirement far greater than Paraguay is apt to obtain by force of arms. Furthermore on account of the difficulty of communication in the Chaco positions evacuated can be much more quickly and easily reoccupied by Paraguay from the river than they can be by Bolivia from back of the line suggested. Furthermore as the result of the negotiations it seems likely that if the Ballivián-Vitrones line is accepted the Bolivians will not be able to maintain

the forces along that line but will have to retire considerably further. On account of internal political conditions however it will be very difficult for them to stipulate a line further back. Now is the time for Paraguay to show some statesmanship and to conclude quickly an agreement which is so eminently fair and advantageous for her.

If Ayala does not accept the line running from the Pilcomayo River at longitude $62^{\circ} 30'$ to Fort Vitrones get him to specify exactly and in detail what he does want. Inquire specifically whether the other terms of the proposal are acceptable. If he will now state that he accepts the arbitration provision; the determination of the Chaco as proposed, and the arrangement for the policing of the territory as proposed, and will state the minimum withdrawal of Bolivian troops that Paraguay demands, the Neutrals will endeavor to see what else they can obtain for Paraguay along those lines. Ayala must remember however that Paraguay has not asked in the past for withdrawal beyond parallel $62^{\circ} 30'$. It would be very difficult to persuade the Bolivians to withdraw beyond the line definitely asked by Paraguay 3 months ago. The military situation has changed since then and this probably accounts for Paraguay's intransigence. Paraguay however should profit by Bolivia's mistake in not accepting the June 1 line and remember that the rainy season is coming which will give Bolivia time to reorganize her troops under General Kundt and that it is therefore eminently to Paraguay's advantage to seize the benefits which the Neutrals have obtained for her now or else she may find that conditions are turned very much in her disfavor. Cable result of your conversation.

STIMSON

T24.3415/2600 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, December 6, 1932—11 p. m.

[Received December 7—10:30 a. m.]

132. In reply to Department's telegrams 52 and 53,⁸³ although the Minister of Foreign Affairs has not received the proposal from Finot the following are my impressions of the probable Bolivian reaction thereto based on today's conversation with him:

Point (1), no comment.

(2), Bolivia will not accept withdrawal to Villa Montes line and the acceptance of a middle line is only a remote possibility.

(3), he was non-committal as to the proposed police zones but

⁸³ Telegram No. 52, December 3, 3 p. m., p. 114; No. 53, December 5, 6 p. m., not printed.

seemed favorably impressed with the neutral zone. I am of the opinion Bolivia will not accept the proposed delimitation of the Chaco area by the geographers, the fear being that the whole Chaco would be included.

(5), no comment.

(6), he expressed an apprehension that Bolivia however would be prejudiced in any event.

(7), no comment.

He asked me to express his regrets at the premature publication and said that it would not happen again.

FEELY

724.3415/2600 : Telegram

The Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, December 7, 1932—2 p. m.

55. Your 132, December 6, 11 p. m. Department hopes you will continue discreetly to keep this matter before Bolivian authorities and endeavor to have them accept proposal contained in Department's No. 52 as modified by its No. 53. Please keep Department informed by cable.

STIMSON

724.3415/2602 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, December 7, 1932—3 p. m.

[Received December 8, 12:05 a. m.]

168. Your telegram 55, December 5, 5 p. m. The President expresses surprise that there should be in the minds of the Neutrals such a misunderstanding as to the terms of Soler's note of September 16 to the Commission⁸⁴ as seems to be indicated by your telegram. The note cabled to him from here used the expression "de modo que Bolivianos se retiren el [al?] Oeste del meridiano sesenta dos [y] medio Greenwich y lagi sobre su litoral fluvial". It does not mean this to apply to only a single point on that meridian. The Ballivián-Vitriones line, while its southwestern end touches the Pilcomayo not far from the meridian named, is in no sense the meridian itself. With Bolivia on the meridian and Paraguay on the river, Paraguay considers that the Chaco will be virtually demilitarized which this Government insists must be a condition for Paraguay's ceasing hostilities.

⁸⁴ See footnote 79, p. 117.

I spent 2 hours last night with Ayala and had a further conversation with him this morning and I regret to say that he will not retreat from this position. In reference to the proposal of the appointment of geographers he contends that the Chaco Boreal is a geographical section clearly delimited on modern maps such for example as that issued in 1929 by the American Geographical Society and there is no need of defining its limits. The question at issue is the line in the Chaco which should be the boundary between Paraguay and Bolivia. He will accept a discussion, either directly or under the supervision of the Neutrals, of bases for an arbitration but he demands first security against further Bolivian attack. Clearly he has no belief, since Bolivia desires a limited arbitration, that it will be possible to come to an agreement as to these bases so long as Bolivia keeps her army in the Chaco. Paraguay will not accept a neutral zone. Her contention is that if Bolivia really desires a suspension of hostilities and a peaceable settlement she has no more need to keep troops in the Chaco than has Paraguay and that if both sides retire from the Chaco there will be no necessity for a neutral zone.

Unless in the event of a decided military reverse it is difficult to believe that Ayala will modify his stand. The fighting at Saavedra is temporarily at a standstill on account of the rains but it is the general opinion among foreign military observers here that it will be taken before very long. The Military Attaché of this Legation arrived this morning and will leave for the front Saturday.

WHEELER

724.3415/2602 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, December 8, 1932—noon.

56. Your 168, December 7, 3 p. m. Does your statement in second paragraph that "Paraguay will not accept a neutral zone" refer to numbered paragraph 3 in Department's 53 of December 2, 6 p. m. regarding the policing of the Chaco? In the event that it is Paraguay's position that she does not want a neutral zone to keep the police forces of the two countries from coming in contact, on what basis does she propose policing of the Chaco once the troops of both sides are withdrawn? Would she agree to dividing the policing east and west of the 60th meridian?

STIMSON

724.3415/2609 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, December 9, 1932—2 p. m.

[Received December 10—1:24 a. m.]

169. Your telegram No. 56, December 8, noon. My statement referred to your numbered paragraph 3. Paraguay will not consent to the proposed Bolivian policing of any portion of the Chaco. She insists that Bolivia's alleged civil settlements exist only for her soldiers and would vanish when her troops retire. She considers that also your insistence on the right of policing is solely in order that it may later be made a basis for a claim of rightful ownership or indefinite occupation. She points out that the land involved, the area west of meridian 60, is in large part the Hayes award whose northern boundary is the Rio Verde and the extension of its line westward. Paraguay has always considered the western point of the triangle to be about the location of Ballivián. In my opinion Paraguay will not yield to pressure to concede any actual or implied right of Bolivia to retain either troops or civil police in any portion of the area covered by the Hayes award. Practically the entire area west of meridian 60 up to the juncture of a line drawn from Bahía Negra to the Pilcomayo at meridian 62 is held by companies who purchased their holdings from the Paraguayan Government to which they have been paying taxes for many years. Moreover meridian 60 bisects the Mennonite Colony. This Government dare not admit a Bolivian right to occupy or police land that possesses such a status. Until the establishment of the Bolivian fortines Paraguay needed no police except on the river banks along the railroad and at the colony. For a while after demilitarization she might require somewhat more, for the reason that the Indians who normally were employed by the Paraguayans have been driven to the forests by the Bolivian soldiery and have become demoralized, but after demilitarization conditions should rapidly return to normal.

Paraguay is convinced that demilitarization must be an accomplished fact before such points as policing and the bases of an arbitration can be discussed. The insistent demand that cessation of hostilities and demilitarization be contingent on and subsequent to agreement on these points she considers is a Bolivian device calculated to bring about through long drawn discussion the delay which Bolivia needs to extricate her Army and give Kundt time to reform it. In demanding demilitarization Paraguay is asking of Bolivia no more than she herself offers to submit to. After an agreement therefor is reached she will welcome any commission civil or military from either Washington or Geneva for any legitimate purpose whatsoever.

I believe Kundt's announced plans will lead Paraguay to hold as tenaciously to her demand for reduction of standing armies.

The feeling against admitting an arbitration has been steadily growing here. Ayala last night expressed to me his fear that after fall of Saavedra the military party may be in a position to compel him to withdraw the offer. This is not because of military successes but is due to increasing popular bitterness at Paraguay's immense losses in lives and treasure caused by Bolivia's refusal of an arbitration that has all along been offered her.

The President believes that if Saavedra should fall and the Liberal party take the reins in La Paz it will probably seek an honorable peace and if such an attitude is shown Paraguay might go further than she has up to the present. He tells me that Kundt's contract is for the duration of the war and called for the payment to him of 600,000 gold marks including his personal indemnity. A large part of this sum was paid him before leaving Germany.

WHEELER

724.3415/2609 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, December 10, 1932—3 p. m.

57. Your 169, December 9, 2 p. m., President Ayala seems to overlook that under the suggestion made, the arbitral settlement of this dispute will be carried out automatically without Bolivia being able to prevent such a settlement at a later date. It may be well to make this a little more explicit. The agreement will provide that if the two parties, after 4 months say of direct negotiations, are unable to agree on the limits of the Chaco that then the expert Commission of geographers mentioned in paragraph 4, Department's 53, December 2, 6 p. m., will decide the limits of the Chaco definitely and without appeal and question will then automatically go before the arbitral tribunal to determine the territorial limits between the two countries within the Chaco as defined by the expert Commission.

As to the policing of the zone there will be a provision that nothing in the agreement affects in any way, shape or form the juridical position or legal rights of either party in the Chaco dispute. The lines established for the withdrawal of the Bolivian and Paraguayan forces and for the policing of the territory will specifically be called a device for terminating hostilities, maintaining peace and preventing clashes or outbreaks when hostilities have been terminated and that they in no wise relate to or change or affect in any wise the juridical status of the parties.

Please make this very clear to Ayala and see if in view of this he cannot accept the Ballivián-Vitriones line and the policing suggested.

Please reply as quick as possible as the Neutral Commission is under great pressure and may have to take some action within the next few days. It would like to do so with the full agreement of both parties if possible. The arrangement seems so eminently fair to both, offers an honorable way out, brings about a definite settlement and protects the legal position of both parties which cannot be changed except by the arbitration and not by the proposed arrangement. The Department very much hopes you can get President Ayala's acceptance promptly.

STIMSON

724.3415/2612

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, December 10, 1932—6 p. m.
[Received December 11—10:07 p. m.]

138. Department's telegraphic instructions 52 and 53.⁸⁵

As the Bolivian Government had not received on December 6 the proposals contained in those telegrams and at the request of the Minister for Foreign Affairs I gave to him informally on that day a memorandum briefly setting forth the seven points as I feared that Finot might be purposely delaying the transmission of the proposals.

The Minister for Foreign Affairs today informed me that Finot had only telegraphed briefly as to points 2 and 4 without even mentioning the other points and that he had today telegraphed Finot for an explanation.

I took occasion at the same time to deny the statement attributed to Mr. White in Finot's telegram of December 3 on the basis Department's cable 54.⁸⁶

After discussing the proposals at length with the Minister of Foreign Affairs I feel certain that Bolivia will not accept withdrawal to D'Orbigny and although the President has shown some inclination to accept point 4, certain reservations will be made. The Minister for Foreign Affairs intimated that Bolivia might consider as a basis of arbitration the zone established in the Tamayo-Aceval Treaty. The zones proposed in point 3 are being given consideration by the Government.

General Kundt has intimated to the Government that it may be necessary to call an additional 25,000 men.

FEELY

⁸⁵ Telegram No. 52, December 3, 3 p. m., p. 114; No. 53 not printed.

⁸⁶ Not printed.

724.3415/2613 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, December 11, 1932—9 p. m.

[Received December 12—9:20 a. m.]

171. Your telegram No. 57, December 10, 3 p. m. In all my conversations with the President I have stressed the point of the automatic procedure of the arbitration once it has been agreed upon together with the fact that the agreement itself would provide that it would be wholly without prejudice to the juridical position and rights of either party thereto.

I have just left him after an extended conversation. I regret to say that he maintains without qualification his position that acceptance of the Ballivián-Vitrones line would leave Paraguay out of the Chaco and Bolivia in the center of it, in possession of from 20 to 25 fortines and free to consolidate her position for another push. He [said?] to me "If I went before the people with such a proposal I would not be able to remain in the Palace 24 hours". Judging by the temper of the people generally, the press and the military party, I am of the opinion that he does not greatly exaggerate. He is convinced, I believe beyond persuasion, that Bolivia will never agree on bases for an arbitration so long as she retains her hold on the Chaco and that only when both sides are out of it can such bases be agreed upon.

He has personally no illusions as to Paraguay's resources and foresees her probable desperate situation at the end of a year. At present, however, he considers that she has a temporary equality with Bolivia and must use this time in an effort to gain security and free herself from the menace of continued war. I have reason to know that Colonel Schweizer, head of the former Argentine military mission here and now Argentine Military Attaché, has counselled this policy though he did not inspire it as Ayala's objection is intense to the League's taking any part in the affair at present⁸⁷ and he still retains a slender hope that the neutrals may yet draw into their group Argentina, Brazil and Chile.

WHEELER

⁸⁷ For correspondence concerning cooperation of the League of Nations with the Commission of Neutrals, see pp. 220 ff.

724.3415/2626f : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Tamayo)*⁸⁸

[Translation]

WASHINGTON, December 15, 1932.

The Commission of Neutrals has made various suggestions to the Governments of Bolivia and Paraguay for a settlement of the Chaco dispute. Although none of these proposals has been accepted by the parties up to the present, this preliminary work has served to clarify the problem and render possible a definite suggestion covering the Chaco problem in its entirety.

The two principal objectives of the Neutral Commission have been throughout those of achieving the complete termination of hostilities and the definitive settlement of the Chaco dispute by means of arbitration. The two parties appear to be essentially in agreement on these points. The cessation of hostilities has not been achieved, however, as there was no certainty that they would not be renewed. One of the means proposed for achieving this was the withdrawal of the troops to considerable distances in order to make contact between them impossible and to demobilize both armies, placing them on a peace footing, these operations to be carried out under the supervision of a neutral commission. Objection was raised to the withdrawal of the troops and their demobilization because it was feared that it might be impossible to make the arbitral settlement, in case the parties should not arrive at an agreement regarding the terms of the arbitration. Consequently, if the parties could arrive at a settlement concerning the terms of the arbitration, the other problems might then be easy to solve. The Commission of Neutrals considers that the proposal which it now makes is satisfactory, because it provides definitively the bases of a settlement, in case the two parties, after 4 months of negotiations, should not arrive at an agreement regarding the arbitral engagement. This proposal, therefore, in case it is accepted by the two parties, will lead to an automatic arbitral settlement. After the time specified the settlement will be completed without the possibility of any obstacle. The Commission of Neutrals hopes that, in view of this important aspect of its proposal, the two parties will accept it promptly, in its entirety, since it is eminently just and equitable for both and furnishes an honorable solution whereby hostilities can be stopped immediately and the dispute definitively settled. The Commission of Neutrals suggests, consequently, that the

⁸⁸ The same telegram, December 15, to the Paraguayan Minister for Foreign Affairs.

two Governments authorize their representatives at Washington to formulate and to sign immediately an agreement stipulating:—

1. Hostilities shall be suspended within 48 hours after the agreement is signed.

2. The agreement, as soon as it is signed, shall be transmitted to La Paz, and to Asunción, by cable for its ratification in accordance with the domestic law of each country.

3. The agreement shall be ratified in the form in which it has been signed, within 1 month after its signature. Ratification shall be exchanged by telegraph.

4. Within 48 hours after the exchange of ratifications, the forces of both countries shall begin to withdraw, the withdrawal being made with the greatest possible rapidity. The Paraguayan forces shall be withdrawn to the Paraguay River. The Bolivian forces shall be withdrawn behind a line drawn from Fuerte Ballivián on the Pilcomayo River, to Fuerte Vitriones.

5. A commission appointed by the Commission of Neutrals at Washington shall immediately leave for the Chaco for the purpose of verifying the withdrawal of the troops and the execution of other points of this agreement. In case the commission should, for any reason, be delayed in reaching the Chaco, the withdrawal of troops shall take place as is stipulated in Article 4 without awaiting the arrival of the commission.

6. As soon as the withdrawal of the troops begins, the demobilization of the armed forces of both countries shall also be begun. These forces shall be reduced to the proportions normal in time of peace; any disagreement concerning this point shall be decided by the commission mentioned in Article 5.

7. The territory remaining to the southeast of the Ballivián-Vitriones line and west of the meridian of longitude $60^{\circ} 15'$ west of Greenwich shall be guarded by a force containing not more than 100 Bolivian policemen; and the territory to the southeast of the said line and to the east of the said meridian of longitude $60^{\circ} 15'$ west of Greenwich shall be guarded by a force not exceeding 100 Paraguayan policemen.

In order to prevent the police forces of the two countries from coming into contact, it is agreed that if the Bolivian police have to enter into the area comprised between meridian $60^{\circ} 15'$, longitude west of Greenwich and the meridian $60^{\circ} 20'$, they shall do so only after communicating with the Paraguay police forces, in order to be informed that no force of the said Paraguay police is in the territory immediately to the east of meridian $60^{\circ} 15'$ in that place. Similarly, if the Paraguay police should have to go into the area comprised between meridian $60^{\circ} 10'$, longitude west of Greenwich, and meridian $60^{\circ} 15'$, they shall do so only after having communicated with the Bolivian police in order to assure themselves that there are no Bolivian police to the west of meridian $60^{\circ} 15'$ in that region.

Communications between the two police forces may be had directly or through the channel of the neutral commission mentioned in Article 5.

8. Nothing in this agreement affects, in any form or in any manner, the juridical position or the rights of either of the two parties in the Chaco dispute. The lines established for the withdrawal of the Bolivian and Paraguayan forces and for the guarding of the territory, are merely measures for terminating hostilities and the maintenance of peace, by preventing clashes or encounters when the struggle has once been terminated, and in no wise change or affect in any sense the juridical status of the parties.

9. Immediately, or at the latest, 15 days after the exchange of ratifications of the agreement, the two parties shall begin negotiations to determine the bases of the arbitration as well as to establish the Court to whose jurisdiction the case will be submitted.

If, when 4 months have elapsed from the date on which the negotiations were opened, the parties have not been able to agree respecting the territorial limits of the Chaco, they shall immediately request from the American Geographical Society of New York, the Royal Geographical Society of London, and the Geographic Society of Madrid, to appoint, each within 15 days (or within any other period of time on which the parties may agree), a geographical expert in order that the three persons thus designated may meet at a place agreed upon by the two parties or, failing such agreement, at Madrid, 1 month (or any other period of time on which the parties may agree) after the expiration of the period of 15 days above-mentioned, and render, after giving both parties opportunity of being heard, a decision on the sole point of defining the area of the Chaco. If either one of the two parties does not present its memorial within 1 month (or within any other period on which the parties may agree) counting from the date on which this commission of experts meets, the said commission shall issue its decision without further delay. This decision must be rendered as soon as possible and shall be definitive and without appeal.

10. Within 1 month (or within any other period on which the parties may agree) counting from the date on which the geographical experts' decision is rendered, the Court of Arbitration, accepted by both parties, shall enter upon its functions, and after having given these parties opportunity of being heard, shall give its Decision determining the territorial limits of both countries in the Chaco, the latter being defined according to the decision of the commission of geographic experts mentioned in Article 9.

11. Each party may present a brief and a rejoinder (*réplica*). The brief must be presented 30 days (or within any other period on which the two parties may agree) after the meeting of the Court. The brief of each country shall be presented with enough copies so that each judge may have one and three may remain for delivery to the opposing party. As soon as the brief is presented the Court shall deliver three copies of the brief of each party to the other party, and the latter shall have 2 months (or any other period on which the parties may agree) counting from the date of delivery, to present its rejoinder (*réplica*). As soon as the rejoinders are received the matter shall be under the consideration of the Court, in order that this latter may render its decision, which shall be definitive and without appeal. If either one of the parties does not present its brief or rejoinder in

the way stipulated, the Court shall issue its decision in spite of such omission.

12. If, within the period of 4 months stipulated in Article 9, the two parties do not come to an agreement concerning the Court to which the case must be submitted, the case shall then be referred automatically to the Permanent Court of International Justice of The Hague.

13. On the exchange of the ratifications of this agreement all prisoners shall be returned immediately and diplomatic relations shall be renewed.

14. The cost of the arbitration, as well as the expenses of the experts of the commission of geographers and the costs of their labors, shall be divided equally between the two countries, which countries shall make deposits on account of the said expenses as may be required by the commission of geographers and the Court. Each country, in asking the appointment of a geographical expert by the three geographic societies mentioned in Article 9, shall deposit \$500 with each one of these societies for the travel and other preliminary expenses of the expert appointed by the society.

15. If they so desire, the two parties may waive the 4 months of direct negotiations stipulated in Article 9, and the fixation of the territorial limits of the Chaco and the constitution of the Arbitral Court shall be determined in accordance with the provisions of Articles 9 and 12 respectively. The Commission of Neutrals hopes that this proposal will receive the prompt acceptance of Your Excellency's Government.

WHITE,
President
 CINTAS
 VARELA
 LOZANO
 CAMPOS ORTIZ

724.3415/2657 : Telegram

*The Paraguayan Minister for Foreign Affairs (Benítez) to the
 Chairman of the Commission of Neutrals (White)*

[Translation]

ASUNCIÓN, December 17, 1932.

[Received 12:04 p. m.]

My Government has received the proposal of the Commission of Neutrals of the 15th instant. The proposal leaves the Bolivian Army in the center of the Chaco, Ballivián-Vitrones line, while it compels the Paraguayan Army to abandon the Chaco entirely and withdraw to the bank of the Paraguay River, without considering the bank of the Río Pilcomayo and the Río Negra, occupied by us from time immemorial. The proposal grants to Bolivia police powers in the zone

awarded by President Hayes,⁸⁹ regions where she has no civilian population, placing her on a basis of equality with Paraguay, who has centers of population there as well as important industrial, cattle raising, and agricultural establishments. Moreover, the proposal carries with it no guarantees for preventing new incidents or for the just settlement of the boundary controversy in a form satisfactory to the legitimate aspirations that we have been formulating since the first part of August, to prevent the outbreak of the conflict, and then, to put an end to the war. The solution is subordinated to the determination of the Chaco area, when that geographical unit admits of natural limits, and in this manner a question of delimitation of boundaries is converted into a territorial controversy which manifestly favors the Bolivian thesis. My Government maintains that Bolivia has committed acts of violent conquest and has deliberately attacked Paraguay. Impunity for such offenses cannot be admitted nor the results thereof sanctioned. To reestablish the regime of law, a strict investigation which will show which is the guilty party in this iniquitous war is necessary. For this and other reasons, my Government, while not questioning the intentions of the Commission, cannot consider the bases proposed as satisfactory or just.

JUSTO PASTOR BENÍTEZ

724.3415/2663 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, December 19, 1932—6 p. m.

[Received 7:55 p. m.]

142. In informal conversation with the President of the Republic and the Minister of Foreign Affairs this morning the President, after asking me to inform the Department that Bolivia was firmly determined to continue the negotiations with the least possible delay, stated that he was reliably informed that Argentina was bringing pressure to bear on Paraguay to withdraw her delegate from Washington and to have the negotiations transferred to Geneva.

The President added that Bolivia was greatly perturbed at Paraguay's apparent desire to have the negotiations transferred to Geneva and inquired if my Government could take any steps to counteract it, adding that Bolivia, in the event of Paraguay's withdrawal from Washington, would be prepared to disavow League's intervention in the dispute and even to withdraw from the League entirely pro-

⁸⁹ On November 12, 1878; see *Foreign Relations*, 1878, p. 711.

vided she could count on our support of such a step. He mentioned the possibility of invoking article 21 of the Covenant, inasmuch as the Chaco dispute is a purely American question.

I replied that the matter was an extremely delicate one especially in view of the League's apparent desire to cooperate with the Neutral Commission and that I could only inform my Government of this informal conversation and request instructions as to the Department's attitude in such an eventuality.

FEELY

724.3415/2665 : Telegram

*The Bolivian Minister for Foreign Affairs (Tamayo) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

LA PAZ, December 19, 1932.

[Received 8:40 p. m.]

In reply to your proposal of December 15th of this year I have the honor to emphasize the following. I consider that by previous replies of my Government we have accepted in principle the main points of the proposal which I confirm. If the time had actually come for discussing it my Government would have submitted observations and remarks of various kinds on several of the articles. But at present, and being informed of the absolute rejection by Paraguay, my Government does not in fact believe it profitable to take up any point.

Please accept [etc.]

TAMAYO

724.3415/2665 : Telegram

*The Commission of Neutrals to the Bolivian Minister for
Foreign Affairs (Tamayo)*

[Translation]

WASHINGTON, December 20, 1932.

The Commission of Neutrals has received Your Excellency's telegram⁹⁰ in reply to the proposal of the 15th of the Commission of Neutrals, in which Your Excellency states that in view of the absolute rejection on the part of the Paraguayan Government, your Government does not consider it useful to touch on any point of the proposal.

Regarding this point, the Commission of Neutrals observes that Paraguay has not absolutely refused its proposal. She has simply indicated that the proposal does not satisfy her completely, as,

⁹⁰ *Supra.*

apparently, is also the case of Bolivia. As Your Excellency's Government states that it accepts in principle the main points of the proposal, the Commission would desire to know explicitly the observations to which it refers.

Both parties can and should make concessions of detail with the object of achieving peace and an arbitral solution. The fact that neither party finds the proposal of the Neutrals entirely satisfactory is a plain indication of the justice, equity and impartiality of the proposal, attributes which all the countries of America, as well as the League of Nations, have unanimously recognized in it, by supporting the Commission's proposal without reservations, as they have done.

That proposal unquestionably offers an honorable basis for settlement by the parties. Any observation that the Government of Bolivia or the Government of Paraguay has presented or may present will be examined with entire impartiality by the Commission of Neutrals.

WHITE,
President
 CINTAS
 VARELA
 LOZANO
 CAMPOS ORTIZ

724.3415/2657 : Telegram

*The Commission of Neutrals to the Paraguayan Minister for
 Foreign Affairs (Benítez)*

[Translation]

WASHINGTON, December 20, 1932.

The Commission of Neutrals has received Your Excellency's telegram of the 17th instant and Delegate Soler's note of today⁹¹ in which he announces his temporary withdrawal. Both documents indicate that the proposal of the 15th instant of the Commission of Neutrals has not been properly interpreted.

The eighth article states categorically that nothing in the settlement proposed affects in any form or any way the juridical position or the rights of either party; Your Excellency's references, therefore, to the Hayes award does not appear to be applicable to the case.

The Commission of Neutrals is not operating in the capacity of a Court nor deciding regarding alleged rights nor examining titles, these being questions within the competence of the arbitral court mentioned in article 10 of the proposal of the 15th of December.

⁹¹ Latter not printed.

The Neutrals are simply indicating an honorable and dignified procedure for the purpose of causing the immediate termination of hostilities and submitting the Chaco question to arbitration. The proposal states clearly that the lines established for the withdrawal of the forces and for the guarding of the unoccupied territory are merely measures for this purpose and in no wise change or affect the juridical status of the parties.

Bolivia also states that the proposal does not satisfy her completely, but both parties can and should make concessions of detail with the object of achieving peace and an arbitral solution. The fact that neither party finds the proposal of the Neutrals entirely satisfactory is a plain indication of the justice, equity and impartiality of the proposal, attributes which all the countries of America, as well as the League of Nations, have unanimously recognized in it by supporting the Commission's proposal without reservations, as they have done.

That proposal unquestionably offers an honorable basis for settlement by the parties. Refusal to discuss it, by withdrawing your Delegate, cannot but be interpreted as an intention to continue the war and to entrust the future of your situation in the Chaco to the hazards of arms.

Whatever may be the outcome of the armed struggle, there can be no doubt that it would be disastrous for both countries, as is shown by the effects of the World War. The Commission of Neutrals, therefore, once more requests very earnestly that Your Excellency's Government authorize the continued stay in Washington of Mr. Soler, enabling him to discuss with the Neutrals and with the Representative of Bolivia a settlement on the bases of the proposal of the 15th instant. Any observation which either the Government of Paraguay or the Government of Bolivia has presented or may present will be examined with entire impartiality by the Commission of Neutrals.

WHITE,
President

CINTAS
VARELA
LOZANO
CAMPOS ORTIZ

724.3415/2675 : Telegram

*The Paraguayan Minister for Foreign Affairs (Benítez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

ASUNCIÓN, December 21, 1932.

[Received 12 noon.]

Proposal 15th instant establishes a situation prejudicial to our interests. Although that situation may be modified by solution of the controversy, there is no real guaranty that such solution will be reached. Consequently that situation may become consolidated to our injury. *Status quo* proposed leaves nearly two-thirds Chaco unconditionally in power Bolivia while Paraguay is reduced limited jurisdiction over one-third. Besides, formula undeniably favors strategic position Bolivia in case of renewal of conflict. President Ayala having been consulted beforehand, he declared to the President Commission of Neutrals fundamental opposition to formula. Despite that, it was sent in such a way as to exert moral pressure and deprive of freedom of action, a circumstance that brought about the withdrawal of Paraguayan delegation. It will not be reasonable to accuse Paraguay of intent to continue war forced upon her and for which she was not prepared. Our attitude inspired solely by spirit of self-preservation.

Paraguay accepts full arbitration of question of boundaries but will insist before any mediation on first obtaining conditions of security. There is no reason to believe that Bolivia has renounced well-known purpose of conquest. My Government takes pleasure in acknowledging efforts displayed by honorable Commission to bring war to a close.

JUSTO PASTOR BENÍTEZ

724.3415/2676 : Telegram

The Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, December 21, 1932—8 p. m.

61. Your 142, December 19, 6 p. m. Paraguayan delegate has advised Neutral Commission of his temporary withdrawal. Commission is endeavoring to have Paraguay change instructions to permit him to remain.

The League is supporting the neutral proposal in the most wholehearted way.

The Argentine Ambassador in a note to the Commission on De-

ember 19⁹² stated that the Argentine Government having studied the new proposal made to the Governments of Bolivia and Paraguay, "rejoices in the comprehensive form in which it is conceived, attesting the noble inspiration which it expresses and that the Argentine Government will give it its most decided support in the hope that it will solve the unfortunate conflict between the two sister countries". He adds that his Government on the 17th addressed the two Governments adhering to the neutral proposal stating "that in the ample and generous terms of the Neutrals could be found a satisfactory formula and pointing out the necessity to realize the supreme effort which all the countries of America await in order to arrive finally at the end of this lamentable conflict".

STIMSON

724.3415/2681 : Telegram

*The Paraguayan Minister for Foreign Affairs (Benítez) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

ASUNCIÓN, December 22, 1932.

[Received 10:30 a. m.]

Reply cablegram yesterday⁹³ I must state to Your Excellency that President Ayala expressed American Minister absolute opposition conditions proposed and advised they would be immediately refused because they could not serve as basis of any negotiation.

JUSTO PASTOR BENÍTEZ

724.3415/2694 : Telegram

*The Bolivian Minister for Foreign Affairs (Tamayo) to the
Chairman of the Commission of Neutrals (White)*

[Translation]

LA PAZ, December 23, 1932.

[Received 6:18 p. m.]

In view of the reiterated rejection by Paraguay, which we know of through reports in the world press, my Government, in reply to your kind cablegram of the 20th, has the honor to confirm all the terms of my reply of the 15th [19th?] instant, paying homage to the Honorable Commission of Neutrals for its persistent and noble efforts toward peace.

With my highest consideration.

TAMAYO

⁹² Not printed.⁹³ Not printed; it requested authorization for the continued stay of Dr. Soler, Paraguayan delegate.

724.3415/2717c : Telegram

The Commission of Neutrals to the Paraguayan Minister for Foreign Affairs (Benítez)

[Translation]

WASHINGTON, December 31, 1932.

The Commission of Neutrals deeply deplores that the Government of Paraguay should have considered of little weight the unanimous acceptance of the proposal of armistice and arbitration of December 15 by the governments of the 19 American republics and by the Council of the League of Nations which acceptance constituted a historic expression of the universal conscience and a most unusual verdict of civilized humanity on the Chaco question which the parties cannot ignore, but it observes that the Delegate, Dr. Soler, states in his note that his withdrawal can only be temporary; the Commission is confident, therefore, of the early return of a Paraguayan representative. In the meantime, as during his absence previously, the Commission of Neutrals will continue to communicate directly with the Governments of Paraguay and Bolivia, whenever circumstances require such action, being persuaded that the prestige of America and the vital interests of both peoples require the peaceful settlement of the Chaco question. On every occasion the Commission of Neutrals will fulfill its mission with unvarying impartiality towards the two countries.

WHITE,
President
VARELA
LOZANO
CAMPOS ORTIZ
BARÓN

II. EFFORTS OF THE COMMISSION OF NEUTRALS TO OBTAIN THE COOPERATION OF THE ABCP REPUBLICS

724.3415/1705a : Circular telegram

*The Acting Secretary of State to the Diplomatic Representatives in Certain American Republics*⁹⁴

WASHINGTON, April 13, 1932—6 p. m.

The neutrals had a meeting at 11 o'clock this morning and invited the Ambassadors of the countries neighboring on Bolivia and Paraguay to be present. This was done on account of the great interest

⁹⁴ Argentina, Bolivia, Brazil, Chile, Paraguay, and Peru.

which they have shown in the matter and substantially at the request of one of them. The situation, both as regards the negotiation of a pact of non-aggression and the military situation was explained to them and they were given copies of the statement which Mr. White made on Monday to the Bolivians and Paraguayans on behalf of the neutral commission. This statement reads in translation as follows:

“The representatives of the five neutral governments have met and examined the actual state of relations between Paraguay and Bolivia and have agreed to signify to the representatives of the two countries the great preoccupation which they have on account of military preparations which are being carried out in the Chaco zone which, in their opinion, although being defensive, may provoke incidents even more grave than those which were deplored when all America, in agreement, offered its friendly services to seek a pacific solution.

At this time, any action of the nature which various information—all in agreement—regarding bellicose preparations, attributes to the two countries, is considered grave by the neutrals and little in harmony with the labor of peace which is being carried out.

The neutrals ask the representatives of Paraguay and Bolivia to transmit its cordial manifestation to their respective governments.”⁹⁵

All four Ambassadors agreed that they would cable their Governments regarding the situation and ask that their Governments indicate either through them and the neutral commission in Washington to the representatives of Bolivia and Paraguay their agreement with the *démarche* made on Monday, or else that their Governments directly in La Paz and Asunción use their influence for moderation and peace. Please cable any reaction either on part of Government or the press to this move and the move on Monday by the neutrals.

CASTLE

724.3415/1708 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, April 14, 1932—6 p. m.

[Received 7:40 p. m.]

31. Referring to the Department's telegram No. 18, April 8, 1 p. m.⁹⁶ and circular telegram relating to Chaco April 13, 6 p. m., the following is the result of conversation with Foreign Minister this afternoon:

First. If the five neutrals invite Chile, Argentina, Brazil and Peru to cooperate in the interests of peace, Chile will accept.

Second. Relating to Chile's treaty with Bolivia, Minister said “the

⁹⁵ Statement handed to the Bolivian and Paraguayan delegates on April 11.

⁹⁶ Not printed.

treaty of 1904⁹⁷ is in force and Chile is obliged and determined to comply with it. In accordance with the said treaty, under present conditions Chile could not prevent the transit through its territory of arms for Bolivia. If a state of war should subsequently be produced between Bolivia and Paraguay, Chile would consider such a new situation in order to act on it in accord with its international obligations⁹⁸.

Third. Minister stated that Cruchaga would receive instructions tomorrow to express Chile's agreement with suggestion made in the statement of the neutrals last Monday. No comment in press.

CULBERTSON

724.3415/1710 : Telegram

The Chargé in Argentina (White) to the Secretary of State

BUENOS AIRES, April 15, 1932—11 a. m.

[Received 11:47 a. m.]

35. Your circular April 13, 6 p. m.; and my No. 34, April 12, 5 p. m.⁹⁸ Minister of Foreign Affairs informs me that he urged Paraguayan Minister to abandon reservations and that the latter promised to telegraph this to Asunción. He had also instructed Espil to cooperate with neutrals in Washington. While press has published telegrams no important editorial comment.

WHITE

724.3415/1711 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, April 15, 1932—noon.

[Received 6:45 p. m.⁹⁹]

14. In reply to the Department's circular telegram April 13, 6 p.m., the Minister for Foreign Affairs sent for me yesterday before this telegram had been decoded and asked that I use my influence to prevent what he termed the "intervention" of the four neighboring countries in the present negotiations explaining that he as well as the President feared that their participation in the negotiations could only redound to the prejudice of Bolivia's interests. He explained further that Bolivia had no confidence in the sincerity of intentions of either Argentina or Chile.

He said that while the President was sincerely gratified at the manner in which the negotiations had been conducted thus far he would deeply regret the addition of the four neighboring countries and asked

⁹⁷ Signed at Santiago, October 20, 1904, *Foreign Relations*, 1905, p. 104.

⁹⁸ Latter not printed.

⁹⁹ Telegram in two sections.

me again to assure my Government that Bolivia had no intention whatever of disturbing the peace of the continent and was only desirous of a peaceful solution.

The Minister for Foreign Affairs yesterday sent for the Brazilian and Chilean Ministers and is to see the Peruvian Minister and the Argentina Chargé today. In both these conversations he referred to the addition of the four countries as "intervention".

Last night the Chief of the General Staff in reply to my inquiry explained that the reason for the Government's attitude in respect to the intervention of the four countries was based on the knowledge that most of the reports of Bolivia's alleged aggressive intentions originated either in Argentina or in the Argentina Legation here and as to Chile he informed me in the strictest confidence that the Chilean Minister had only a few days ago intimated to him that his Government would look with favor on a military alliance with Bolivia explaining that the political and economic situation in Chile was such that only a war could prevent a disaster.

There has been but little discussion in the press of the addition of the four countries and their diplomatic representatives have received no instructions.

I gathered from my conversation with the Minister for Foreign Affairs that neither he nor the President is hopeful of a successful outcome of the present negotiations.

FEELY

724.3415/1712 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, April 15, 1932—4 p. m.

[Received 5 p. m.]

52. Department's circular April 13, 6 p. m. See my telegram No. 48, April 11, 4 p.m.¹ Foreign Minister informed me this morning he had received full information from Peruvian Ambassador in Washington and that the Paraguayan Minister here is much alarmed concerning the situation in the Chaco. The Paraguayan Minister himself told me that the situation was intense and that with the troops facing each other each side was [afraid?] to retire for fear the other would advance, that almost any movements excited suspicion and gave rise to exchange of shots and that he did not know what would happen. Here our conversation was interrupted.

The press has given practically no attention to Chaco situation

¹ Not printed.

for last few days. Foreign Minister informs me however that the Peruvian press and public take it for granted that no real clash will occur and do not regard the situation as being especially serious. He indicated he took a somewhat braver view himself, telling me the Peruvian Ambassador in Washington has orders to cooperate with the Chilean, Brazilian and Argentine Ambassadors to avoid a conflict. He added that in addition to the effort in Washington the Peruvian Government would be prepared to make a direct appeal to the two Governments to avoid a conflict and in case of necessity that the Peruvian Government would do any other thing it can to keep peace and aid a settlement.

DEARING

724.3415/1714 : Telegram

The Ambassador in Brazil (Morgan) to the Secretary of State

RIO DE JANEIRO, April 16, 1932—11 a. m.

[Received April 16—10:50 a. m.]

29. Department's circulars April 8, 1 p. m.,² and April 13, 6 p. m.

Contents of both circulars discussed with Foreign Minister who fully supports Secretary White's declaration to Bolivian and Paraguayan Ministers. Foreign Minister reports that conversations with President-elect Ayala,³ who recently passed through, and latest advices from Brazilian Legation at La Paz indicate that both countries are more favorably disposed than they were to peaceful adjustment. Local press has no reaction.

MORGAN

724.3415/1711 : Telegram

The Acting Secretary of State to the Minister in Bolivia (Feely)

WASHINGTON, April 16, 1932—11 a. m.

11. Your 14, April 15, 2 p. m. [*noon?*]. The four neighboring countries have not been invited to join the neutral Commission. They have shown great interest in the negotiations and considerable alarm at recent developments in the Chaco and at the request of one of the Ambassadors concerned the neutrals asked all to join with them in exchanging views regarding the situation.

For your strictly confidential information, the Argentine and Chilean Ambassadors have received instructions to advise the neutrals

² Not printed.

³ Of Paraguay.

that their Governments are in accordance and associate themselves with the representations made to Bolivia and Paraguay on the 11th instant.⁴ As soon as similar word is received from Peru and Brazil, the delegations of both countries will be informed thereof.

CASTLE

724.3415/1723 17/4

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] April 21, 1932.

Doctor Soler and Doctor Vasconsellos called, at my request, and I told them that the Ambassadors of Argentina, Brazil, Chile and Peru had requested me to tell them that their Governments gladly adhere to the friendly manifestation which I had made on behalf of the neutrals to the delegates of Paraguay and Bolivia on the eleventh instant.⁵

The two delegates expressed their pleasure at this and asked me to thank the Ambassadors in question. They said that they would advise their Government at once thereof.

F[RANCIS] W[HITE]

724.3415/1810

The Minister in Paraguay (Wheeler) to the Secretary of State

No. 447

ASUNCIÓN, June 5, 1932.

[Received June 30.]

SIR: I have the honor to inform you that today Dr. Bueno, the Brazilian Minister here, left Asunción for a visit in São Paulo, Brazil, where he will have a conference with the Brazilian Minister for Foreign Affairs.

Last night he called on me to tell me confidentially that President Guggiari has asked him to lay before the latter the proposal that Brazil and Argentina jointly take possession of the Chaco and impose an arbitration upon both Paraguay and Bolivia. He informs me that he told Guggiari that in his opinion there could be no likelihood of a favorable answer, although it might be possible, in the event that Paraguay and Bolivia should agree in advance on a temporary retirement of their Chaco forces from advance positions pending an arbitration, that Brazil and Argentina would consent to police jointly the median zone during the interval. As to the probability of that, he was unwilling to express an opinion.

Respectfully yours,

POST WHEELER

⁴ For statement drawn up at meeting of the Neutral Commission on April 9 and handed to the Bolivian and Paraguayan delegates on April 11, see quoted portion of circular telegram of April 13, 6 p. m., p. 136.

⁵ A similar statement was made to the Bolivian delegates on the same date.

724.3415/1807 : Telegram

*The Acting Secretary of State to the Ambassador in Argentina
(Bliss)*⁶

WASHINGTON, July 9, 1932—1 p. m.

37. Department was advised by cable of June 24 from Legation at La Paz⁷ that the Minister was informed by usually reliable source that the Paraguayan Government had instructed its Ministers in Argentina, Brazil and Chile to inquire from those Governments what their reactions would be if Paraguay were to reject the proposed pact of non-aggression in its entirety. Have you any information regarding this and concerning the reply made to Paraguayan Government?⁸

CASTLE

724.3415/1824 : Telegram

The Secretary of State to the Ambassador in Argentina (Bliss)

WASHINGTON, July 12, 1932—5 p. m.

38. Following telegram received from Legation at La Paz:⁹

"The feeling is prevalent in official circles here that the Argentine Government if it were so inclined could prevent the withdrawal of Paraguay from the Washington conferences."

Please endeavor to find out what action if any Argentine Government is taking in this matter. You may indicate of course that any action by Argentina in the sense of advising Paraguay against withdrawal from the conference will be most welcome.

STIMSON

724.3415/1829 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 13, 1932—6 p. m.

[Received 7:37 p. m.]

54. Your 38, July 12, 5 p. m. Minister of Foreign Affairs told me this afternoon that he had already counselled the Paraguayan Minister that his Government should make every effort to reach an agree-

⁶The same telegram was sent to the diplomatic representatives in Brazil (No. 45) and in Chile (No. 46).

⁷Not printed.

⁸Replies in the negative were received from the Ambassador in Argentina (No. 53, July 11, 7 p. m.), from the Ambassador in Chile (No. 128, July 11, 3 p. m.), and from the Chargé in Brazil (No. 57, July 12, 8 p. m.); none printed; see telegram No. 54, July 13, 6 p. m., from the Ambassador in Argentina, printed on this page.

⁹No. 35, dated July 12, 10 a. m.

ment at the Washington conference and that Argentina had its declaration of neutrality ready and would issue it at once in case the Washington negotiations failed and hostilities were declared. I said to him I felt sure that if he were to recommend Paraguay not to withdraw from the conference his counsel would be most helpful. To this the Minister responded he was very desirous that the conference should succeed and that Argentina had no wish to act in the matter in any other sense than to bring about by advice a successful outcome in Washington.

The Paraguayan Minister yesterday afternoon denied categorically to me that he had taken any such action as indicated in your 37 of July 9, 1 p. m.

BLISS

724.3415/1820 1/15

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] July 22, 1932.

Mr. Mendoza of the Peruvian Embassy called and showed me a telegram which he had received from the Peruvian Government inquiring about the Chaco matter and whether there was any thought of asking the other nations of this hemisphere to join in any action; also whether there was thought of adding two more members to the Neutral Commission. I told Mr. Mendoza the present situation and gave him copies of the telegrams sent yesterday to the Ministers of Foreign Affairs of Bolivia and Paraguay.¹⁰ I told him that we hoped the matter would be straightened out and the conference would continue here; that if that should not be the case and there should be a breakdown then we would undoubtedly lay the matter before all the nations of this hemisphere, but that that time had not yet come. I told him that there is no thought at the present time of increasing the number of neutral countries.

F[RANCIS] W[HITE]

724.3415/1864 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, July 25, 1932—11 p. m.

[Received July 26—1:35 a. m.]

148. The Minister for Foreign Affairs today invited Ambassadors of Brazil and Argentina and the Chargé d'Affaires of Peru to exchange ideas with him in the Chaco dispute. They discussed at length the imminent danger of conflict and the danger of communism in the

¹⁰ See telegram to the Bolivian Minister for Foreign Affairs, July 21, p. 35.

Bolivian Army. They agreed that the moment has arrived for action to prevent war. Chile is willing to cooperate and the three chiefs of mission referred to will telegraph their Governments the conversation and ask instructions. The Argentine Ambassador was designated to inform me and to say that in all respects the cooperation of the American Government was considered the basis of any action which might be contemplated. He said that the Minister for Foreign Affairs would ask me to confer with him tomorrow in order to inform me of Chile's attitude and of the details of the conference today. However, from the conversation with the Argentine Ambassador it is clear that the Chilean Government visualizes the effective cooperation of the American, Chilean, Argentine, Brazilian and Peruvian Governments in whatever action may be necessary to prevent war in the Chaco.

CULBERTSON

724.3415/1820 11/5

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] July 25, 1932.

The Argentine Ambassador called and showed me a telegram from his Government saying that the Brazilian Ambassador had suggested joint action by Argentina and Brazil to prevent war between Bolivia and Paraguay. The Minister of Foreign Affairs said that he had replied that Argentina was disposed to do so; that he thought they could be most effective at present by insisting that Bolivia and Paraguay continue the negotiations in Washington and, if for any reason they are unable to come to an agreement on a pact of non-aggression, that the new situation thus created be submitted to the Neutral Commission also.

I showed Mr. Espil the telegram we had just received from the Minister of Foreign Affairs of Bolivia¹¹ and the draft reply which the Neutrals were about to sign.¹² He said that he supported this telegram and that he would tell his Government that the Neutrals were doing everything they possibly could; that they were sending a further telegram to Bolivia today, and that he would urge his Government to back it up with good advice in La Paz and Asunción.

F[RANCIS] W[HITE]

¹¹ Telegram No. 840, July 24, p. 36.

¹² See telegram to the Bolivian Minister for Foreign Affairs, July 25, p. 37.

724.3415/1864 : Telegram

The Secretary of State to the Ambassador in Chile (Culbertson)

WASHINGTON, July 26, 1932—5 p. m.

54. Your 147 [148], July 25, 11 p. m. Department understands there have been conversations between Argentina and Brazil with a view to preventing hostilities in the Chaco and that Argentine Government took position that they could be most helpful for the present in seconding the efforts of the neutral representatives in Washington and in trying to make the Bolivians and Paraguayans remain in the conference here. The Department and the neutral representatives will welcome any recommendations in this sense which may be made by the neighboring countries to the Paraguayan and Bolivian Governments.

STIMSON

724.3415/1871 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, July 26, 1932—5 p. m.

[Received 7:22 p. m.]

149. Minister for Foreign Affairs confirmed in a conversation this afternoon the content of the conversation which I reported in my telegram 148, July 25, 11 p. m., emphasizing in particular that Chile desires to act in cooperation with and on the invitation of the five neutrals. He added that the neighboring powers might act either with the United States alone or with all of the five neutrals. He stated that the Chilean Ambassador in Washington is being informed of developments. He showed some agitation over the arrival in Santiago this evening of Zalles who still retains his position as Minister for Foreign Affairs in Bolivia. He stated that he would communicate anything of importance to me following his conversation with Zalles. He showed great concern over the social consequences of war in South America at this time.

CULBERTSON

724.3415/1877a : Telegram

*The Secretary of State to the Ambassador in Peru (Dearing)*¹³

WASHINGTON, July 26, 1932—5 p. m.

35. Department advised that Minister of Foreign Affairs of Chile yesterday invited Argentine and Brazilian Ambassadors and Peruvian Chargé to exchange ideas with him regarding the Chaco situation and measures to be taken to prevent war.

¹³ The same, on the same date, to the diplomatic representatives in Argentina (No. 47) and in Brazil (No. 52).

Department advised that Brazilian Ambassador in Buenos Aires took this matter up previously with Argentine Minister of Foreign Affairs for joint action between those two Governments and that Argentina replied that it felt that most effective action at present is to support the Neutral Commission in Washington and to urge the two Governments to remain in Washington and to try to arrive at a settlement here.

The Department and neutral representatives will welcome any recommendations in this sense which may be made by the neighboring countries to the Paraguayan and Bolivian Governments.

STIMSON

724.3415/1820 ¹³⁴⁵

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] July 26, 1932.

Ambassador Cruchaga called and inquired about the Chaco situation and I advised him with regard thereto. I told him that we had a telegram from Mr. Culbertson, about the meeting called in Santiago yesterday¹⁴ and said that in reply I had advised Mr. Culbertson that, in response to an inquiry from Brazil as to whether Argentina would join with her in taking action to prevent hostilities in the Chaco, Argentina had replied that it would be willing to do so and that it thought it could be most effective at present by supporting in La Paz and Asunción the efforts of the Neutrals here and in keeping Bolivia and Paraguay in the conference in Washington. I said that I had told Mr. Culbertson that the Neutrals would of course be pleased with any assistance in this sense which Argentina, Brazil, Chile and Peru would give in Asunción and La Paz.

Mr. Cruchaga said that he had a telegram covering the meeting in Santiago yesterday and suggesting that it might be well to enlarge the Commission of Neutrals. I told him that this suggestion had been discussed before and that one country had definitely refused to join the Commission and another had not been enthusiastic about doing so. I also mentioned Bolivia's resentment against any such a measure and said I thought that at this particularly critical moment we should avoid any action which would give Bolivia a chance to withdraw from the conference, putting the blame for such action on someone else. I added that of course this Government would welcome the other four countries mentioned in the Neutral Commission but, in view of the circumstances, it did not seem applicable at this time, and

¹⁴ Telegram No. 148, July 25, 11 p. m., p. 143.

I thought that action would be more effective if, instead of nine nations acting as one in their recommendations, as the five Neutrals are doing, action by the Neutrals could be sustained by the independent action of the other four countries. Mr. Cruchaga said that he fully agreed and that he would cable to his Government in that sense.

He also told me that he thought he would remain on as Ambassador.

F[RANCIS] W[HITE]

724.3415/1828 7/

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] July 27, 1932.

Mr. Espil called and discussed with me the Chaco situation. I told him that certain of the Neutrals had discussed with me the question of further steps and we had considered that if there should be a breakdown of negotiations here or a resort to war before Bolivia actually withdraws it would be well for the nations of this hemisphere to make a statement to Bolivia and Paraguay to the effect that respect for law and order is a tradition of this hemisphere; that we are opposed to war for the settlement of disputes in America; that the history of the American nations shows that nearly all their boundary and territorial controversies have been settled by peaceful means, and that therefore the nations of America declare that the Chaco dispute is susceptible of a peaceful solution; that the nations of this hemisphere further advise both Governments that they will recognize no territorial settlement made by other than peaceful means, and that they will not recognize for any future arbitration as valid any territory acquired at this time through occupation or conquest by force of arms, and that they therefore call upon Bolivia and Paraguay to submit the matter to arbitration.

I told Mr. Espil that, in view of the statement which he had made to me on the twenty-fifth¹⁵ regarding the action which Argentina had taken on the Brazilian proposal, this Government felt that such an initiative would be more effective coming from some of the neighboring countries; that we welcome the initiative which Argentina is already taking for a peaceful settlement, and that, furthermore, as the Chaco matter touches more closely Argentina and the other countries bordering on Bolivia and Paraguay, I wanted to suggest to him that he, as of his own initiative, suggest such a step to his Government.

Mr. Espil said that for various reasons he did not want to seem to be advising his Government at this time how they should act but

¹⁵ Memorandum of conversation not printed.

that he would put the proposition up to them gladly as coming from this Government.

I suggested to him then that he tell his Government that the matter had been discussed informally by certain of the Neutrals; that this Government was in favor of this step; that we were not looking for any credit to the United States in the matter, and that we would like to know how Argentina looked upon the proposal itself, and secondly, if they were in favor thereof, whether they would take the initiative in the matter. Mr. Espil said that he would put the matter up to his Government and let me know as soon as possible the results. I told him that I would like, if possible, to have an answer by Friday as the Secretary expects to leave town then. He said that he would do his best.

F[RANCIS] W[HITE]

724.3415/1879 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 27, 1932—7 p. m.

[Received 9:38 p. m.]

66. Your 47, July 26, 5 p. m.¹⁶ Minister of Foreign Affairs tells me that he is awaiting approval by Brazilian Foreign Office of a declaration he has proposed to support the action of the Neutral Commission in Washington with the addition of a proposal for active measures if necessary to prevent war. He promised to give me the text of declaration as soon as it is ready for delivery.

The Minister maintained that the countries contiguous to Bolivia and Paraguay should not act separately but should throw all their weight in support of the Neutral Committee now functioning in Washington but held further that this attitude should be augmented by declaration that such support should be backed up by something definite to show their determination to prevent hostilities.

He was cognizant of information contained in your 48 [47?], July 26, 5 p. m., and spoke of placing a cordon along frontier. *La Critica* published last evening under customary scare headlines report from Salta correspondent that American, Spanish and other foreigners constitute majority of Bolivian officers. Such reports may perhaps account for rumors which consul tells me he hears that United States is backing Bolivia.

I am advised that Bolivian Government has requested West India Oil Company to sell it 100,000 liters of gasoline for aviation use.

BLISS

¹⁶ See footnote 13, p. 145.

724.3415/1881 : Telegram

The Chargé in Brazil (Thurston) to the Secretary of State

RIO DE JANEIRO, July 28, 1932—8 a. m.

[Received 11:25 a. m.]

70. Department's 52, July 26, 5 p. m.¹⁷ The Minister for Foreign Affairs read to me last evening his recent telegraph instructions to the Brazilian representatives at Washington, Buenos Aires, Asunción and La Paz, the tenor of which would indicate that Brazil is supporting the Washington conference. The telegrams to Buenos Aires, Asunción and La Paz quoted Lima e Silva as having received intimations that any other action would be resented by the neutrals.

Dr. Mello Franco expressed the fear that further conflicts in the Chaco are imminent.

THURSTON

724.3415/1885 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 28, 1932—1 p. m.

[Received 3:40 p. m.]

67. My 66, July 27, 7 p. m. I believe Argentine Government would like to propose to Brazil and perhaps Chile and Peru strong joint recommendation to Bolivian and Paraguayan Governments to cease all military activity in Chaco but this Government feels that it should uphold Neutral Commission in Washington and not instigate separate action. From opinions expressed to me by a number of my colleagues American Governments are looking to the United States to take the initiative in a vigorous admonition to both Governments followed up by investigation of Chaco situation by Neutral Commission. I venture to submit possibility of criticism being directed to our Government if some drastic step is not speedily taken by Washington conference and that Argentine Minister has insinuated any such strong recommendation will be supported by Argentina.

BLISS

724.3415/1828 3/4

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] July 28, 1932.

I telephoned Ambassador Bliss in Buenos Aires and told him of my conversation of the day before with Mr. Espil, as set forth in my memorandum of that date, and asked him if he would discuss the

¹⁷ See footnote 13, p. 145.

matter with the Minister of Foreign Affairs to see whether he would authorize Mr. Espil to make the suggestion to all the nations of the continent for a collective telegram to Bolivia and Paraguay to the effect that any conquest by them would not be recognized.

Mr. Bliss said that he had been called to the Foreign Office; that he was going there immediately after our conversation, and that he would take the matter up and call me back after the meeting was over.

Mr. Bliss called me back later in the afternoon to say that he had a talk with the Minister of Foreign Affairs; that the latter had received Espil's telegram of the day before, and that the Government thought that the matter was covered in the instructions it was sending to Espil regarding a joint manifestation to be made by the Argentine, Brazilian, Chilean and Peruvian Governments. Mr. Bliss read me the statement over the telephone and said that the Spanish text was being cabled to Mr. Espil who would give it to me the next day, and that Chile and Peru had already agreed to join in the manifesto but that Brazil so far had not done so.

F[RANCIS] W[HITE]

724.3415/1828 4/

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] July 29, 1932.

Mr. Espil called and told me that a telegram regarding the manifesto which Argentina wanted Brazil, Chile and Peru to join with them was being decoded; that as soon as this was done he would send me a copy,¹⁸ and that in the meantime he had received two other cables, one asking him to try to get the Neutral Commission to urge the Brazilian Government to join with it, and the other stating that the matter of a declaration that the nations of this hemisphere would not recognize any conquest made by Paraguay and Bolivia now appealed very strongly to the Argentine Government, but that it hesitated to take the initiative in making the suggestion unless it knew that Brazil, Chile and Peru, at least, would also join in, feeling that should it be known that Argentina had taken the initiative in the matter and the other countries had not joined them, it would put Argentina in a very difficult position vis-à-vis the Bolivian Government.

F[RANCIS] W[HITE]

¹⁸ *Infra.*

724.3415/1904½

*Draft of Manifesto From the Governments of Argentina, of Brazil, of Chile and of Peru to the Governments of Bolivia and of Paraguay, and to the Commission of Neutrals in Washington*¹⁹

[Translation]

The Governments of the Republics of Argentina, Brazil, Chile and Peru, in view of the disquieting situation which has arisen between Bolivia and Paraguay, in consequence of incidents that have occurred in the conflicts of the Chaco, being desirous of conserving the interests of peace in America, seriously threatened by imminent danger of war, in order to fulfill the moral obligation resting upon them as representatives of states belonging to the same continental sisterhood, of taking care that international juridical institutions are maintained, the application of which in the settlement of difficult controversies has so far constituted for them a reason for justifiable pride, being convinced that the existing means of pacification for the solution of international conflicts place at the disposal of nations between which controversies have arisen, sufficient recourse for avoiding armed conflict, however bitter the dissensions may be and however exigent susceptibilities may be, remembering that in positive international law there exist rules strictly applicable to the case, such as the Hague Conventions of 1899 and 1907,²⁰ for the peaceful settlement of international disputes, which creates [*sic*] a commission of inquiry and provides the necessary elements for possible arbitration, the Covenant of the League of Nations,²¹ of which both countries are members, which insures the use of peaceful means, by utilizing mediation and arbitration, and the Inter-American Conciliation and Arbitration Convention of Washington, of January 5, 1929,²² which likewise establishes organs for the same purpose, it being borne in mind that these solemn instruments could not fall into disuse without loss of prestige by the tradition invariably maintained by the countries of America at international congresses, free from any prejudice of partiality and guided by the affection which the nations engaged in the dispute deserve equally, without prejudging either the origin of the conflict or the responsibilities for the incidents involved in it, agree:

¹⁹ A notation at the top of the page reads: "Dated about July 29, 1932." See telegram No. 55, July 29, 7 p. m., to the Chargé in Brazil, p. 152, and telegram No. 111, July 29, 8 p. m., from the Ambassador in Peru, p. 153.

²⁰ *Foreign Relations*, 1899, p. 521, and *ibid.*, 1907, pt. 2, p. 1181.

²¹ *Treaties, Conventions, etc.*, 1910-1923, vol. III, p. 3336.

²² For the treaty of conciliation, see *Foreign Relations*, 1929, vol. I, p. 653; for the treaty of arbitration, see *ibid.*, p. 659.

First—to invite the Republics of Bolivia and Paraguay to make a supreme effort for agreement, by laying aside their warlike attitude, stopping all military mobilization and avoiding the outbreak of war;

Second—to offer jointly their friendly offices to Bolivia and Paraguay, in order to receive from both nations and duly act on any suggestions or proposals tending to produce a settlement by conciliation;

Third—to remain united in order to offer their adherence and cooperation to the Commission of Neutrals assembled at Washington, D. C., which has been working for a long time with the noble determination to obtain a friendly solution, the action of which deserves the respect and consideration due to its efforts and lofty purposes, offering it the collaboration that may be needed to put into practice the emergency measures that may be considered proper to prevent war between the republics of Bolivia and Paraguay;

Fourth—to communicate this declaration of international loyalty, friendship and love of peace simultaneously to the governments of Bolivia and Paraguay and to the Commission of Neutrals in Washington.

724.3415/1897a : Telegram

The Secretary of State to the Chargé in Brazil (Thurston)

WASHINGTON, July 29, 1932—7 p. m.

55. The Commission of Neutrals which is trying to find a solution of the difficulties pending between Bolivia and Paraguay had a meeting today inviting the representatives of the countries neighboring on those countries, namely Argentina, Brazil, Chile and Peru, to meet with them in order to exchange ideas. Argentine Ambassador read to the Commission the text of a draft collective cable which Argentina, Chile and Peru desire to send to La Paz and Asunción, the despatch of which is awaiting only the adhesion of Brazil. Brazil is the only country which has not yet authorized its representative in Argentina to sign the document. The telegram signifies the support by those Governments of the action of the Neutral Commission. The Neutral Commission would be pleased if the Government of Brazil would authorize the signature of this collective document as quickly as possible as the imminent danger to peace requires.

Mr. White, as Chairman of the Neutral Commission, was requested by it to ask you to make a statement in the above sense as quickly as possible to the Minister of Foreign Affairs of Brazil. Cable result.

STIMSON

724.3415/1894 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, July 29, 1932—8 p. m.
[Received July 30—7:05 a. m.]

111. Department's telegram No. 35, July 26, 5 p. m. Peruvian national holidays have prevented an earlier reply. Foreign Minister informs me in a note dated the 28th, just received, that the Government has given serious consideration to the Department's suggestion, that Peru has been active from the first to secure with the countries bordering Bolivia an agreement providing for joint action and such cooperation with the Commission of Neutrals as would avoid the outbreak of war and provide for the continuation of negotiations between Bolivia and Paraguay; that Peru's action has had the support of Chile from the beginning; and that he believes it can be taken as settled that Peru, Argentina, Brazil and Chile have reached an agreement which should be signed in Buenos Aires at any moment providing, regardless of the origin of the conflict and responsibility for its incidents.

(1) That an invitation shall be sent to Bolivia and Paraguay to make a supreme effort, halt all military mobilization and avoid war.

(2) That an offer of good offices shall be made to both countries for the reception and transmission of any suggestion or proposals tending towards a conciliatory solution.

(3) That the participants in the agreement shall offer their adhesion and collaboration to the Commission of Neutrals in Washington whose great efforts and hereinbefore proposals are fully recognized.

The Foreign Minister adds he believes this agreement will be in full accord with the Department's views and suggestions. Full text by airmail.

DEARING

724.3415/1904 : Telegram

The Chargé in Brazil (Thurston) to the Secretary of State

RIO DE JANEIRO, July 30, 1932—4 p. m.

[Received 8 :25 p. m.]

73. 1. The Brazilian Ambassador has been instructed to return to Washington immediately to cooperate in the Chaco conferences. I am led to believe that the Foreign Office has been handicapped in the present negotiations by Lima e Silva's failure to keep it informed of developments there.

2. With respect to the Argentine draft of the collective cable,²³ Brazil has replied through the Argentine Ambassador here stating that Brazil favors a cable restricted to the preamble and point 1 of the Argentine draft. Brazil considers that points 2 and 3 of the Argentine draft would respectively debilitate the Neutral Commission and transfer its powers to the group of neighboring republics, and would bind the latter to unspecified "emergency measures", which would make their joint action intervention instead of mediation. Dr. Mello Franco stated confidentially that he knows that Bolivia would reject such a formula.

As a counter-proposal, Dr. Mello Franco has suggested the creation of a commission to investigate the events of June 29th and July 15th, to be formed by the United States, Brazil and Argentina. He pointed out that as the aggression of June 29th and July 15th occurred while a conference on non-aggression was in session, the conference presumably is nullified for the moment, and he apparently believes that as the former resulted in the withdrawal of Bolivia, an appraisal of the two incidents by such a commission of investigation would make it possible for the conference to be resumed. He presumably also considers that while such a commission should be in existence, no further conflicts would be likely to take place.

Repeated to Buenos Aires.

THURSTON

724.3415/1815 ½

*Minutes of Meeting of July 30, 1932, Between Representatives of the Neutral Countries and Representatives of Countries Neighboring on Bolivia and Paraguay*²⁴

The representatives of the United States of America, Colombia, Cuba and Mexico, Messrs. Francis White, Fabio Lozano T., José T.

²³ *Ante*, p. 151.²⁴ These minutes were evidently written at a later date since they contain reference to action taken on August 2.

Barón, and P. Herrera de Huerta, comprising, with the Uruguayan representative, the Neutral Commission which has been acting, through the exercise of good offices, in the controversy over the Chaco between Bolivia and Paraguay, met in Mr. White's office in the Department of State on July 30. In view of the interest which has been taken in this controversy by the Governments of Argentina, Brazil, Chile and Peru, the countries which border on Bolivia and Paraguay, the neutral representatives invited the representatives of those countries to meet with them. Among the neutral representatives, the representative of Uruguay was absent, and of the neighboring countries, the representative of Brazil was absent. Mr. Felipe Espil, Argentine Ambassador, Mr. Miguel Cruchaga, Chilean Ambassador, and Mr. Juan Mendoza, First Secretary of the Peruvian Embassy, represented their respective Governments.

Mr. White, Chairman of the Commission, advised those present of the situation at that time as shown by telegrams received since the meeting of the day before.

The Argentine Ambassador said that he was instructed by his Government to suggest to the neutral representatives the desirability of asking all the nations of America to join them in a statement setting forth their opposition to war and calling on Bolivia and Paraguay to desist at once from any warlike moves. The neutral representatives stated that they had been considering asking the American nations to join with them; that they thought the time had now come to do so, and that they were therefore in favor of Mr. Espil's suggestion. It was agreed that a message to the countries of America, giving them the text of the representations which they would be asked to join in making to Bolivia and Paraguay, should be drawn up, and Mr. White was asked to make such a draft.

An adjournment was taken for luncheon and for this draft to be prepared.

The draft was considered immediately upon the reconvening of the meeting in the afternoon. The Ambassador of Chile suggested the insertion of two paragraphs which might offer a way out for the two contending parties by requesting them to submit to the Neutral Commission all documentation which they might consider pertinent regarding incidents which have occurred since June 15 in order that the Commission might examine them, and a statement to the effect that they did not doubt that the country which was shown to be the aggressor would wish to give satisfaction to the country attacked.

Ambassador Cruchaga further suggested that the two Governments be invited to make a solemn declaration to the effect that they would stop the movement of troops in the disputed territory in order to clear up the atmosphere and pave the way for the solution of good understanding which the countries of America hope for in the name of the permanent interests of all the countries of this hemisphere.

This suggestion was accepted by all and two paragraphs containing these suggestions were inserted in the draft telegram. Certain verbal changes were suggested in the draft proposed by Mr. White. It was furthermore agreed that the Neutrals would send forward a telegram to the other countries of America as soon as certain of them, who felt that they should consult their Government, had been authorized to do so, and as soon as they heard that the four neighboring countries were in agreement. The Argentine, Chilean and Peruvian representatives present were asked to consult their Governments on this point and, in the absence of a representative of Brazil, the members of the Neutral Commission asked Mr. White, on their behalf, to transmit the text to the Brazilian Government through the American Chargé d'Affaires at Rio de Janeiro. The telegram agreed to, and which was finally despatched to the Ministers of Foreign Affairs of the other ten countries of America on Tuesday morning, August 2, after it had been accepted by all the neutral countries and by the Governments of the four countries neighboring on Bolivia and Paraguay, reads as follows:²⁵

724.3415/1922 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, August 2, 1932—5 p. m.

[Received 9:58 p. m.]

160. Zalles called on me this morning. He admitted that the purpose of his visit to Chile is, first, to ensure Chile's neutrality, second, to obtain a favorable interpretation of the treaty of 1904 in order to permit passage of war materials through Chilean ports, and third, the purchase of aeroplanes and munitions. Regarding the purchase of aeroplanes Zalles stated that he has been negotiating with Curtiss and Merino, Chief of the Chilean air force, and that the latter has

²⁵ End of minutes; dictated by Francis White but no signature on file copy.

increased the price so much that an agreement now seems impossible. However, I know that an agreement is probable. In the meantime Paraguay is said to be taking steps to buy the same aeroplanes and to employ Chilean aviators to fly them.

Brazilian Ambassador said that the proposed note to Bolivia and Paraguay to be sent by the four neighboring countries was drafted in Buenos Aires and that Chile and Peru and Argentina agreed to sign it; that Brazil objected to point 3 but would sign if the reference to measures of emergency were omitted. I have a copy of the note but I assume you also have it.

Zalles furthermore stated that one of the chief difficulties to a settlement between Bolivia and Paraguay is Argentina because Argentina he claims desires to avoid the competition of Bolivian petroleum. He added that in the Argentine war plans Paraguay is considered an integral part; that the military influence of the Argentine over Paraguay is now seen in the attacks made upon the Bolivian forts; that previously these attacks were made by unorganized groups but that now they consist of efficient and trained units supported by artillery and aeroplanes.

. . . Zalles said that a possible basis for a solution of the problem would be the granting by Paraguay of a port on the Paraguay River with sufficient water to permit of navigation approximately at the level of the port Olimpo. However, he said the feeling in Paraguay at the present time is so bitter against anything Bolivian that he does not consider an amicable solution feasible. He denied emphatically that Bolivia is resolved to go to war since he considers that Paraguay for strategic and other reasons would be much stronger than Bolivia in a contest in the Chaco. On this last point the Argentine Ambassador who knows Paraguay said today that he thought that the Paraguayans would win in the long run. Zalles' suggestion that an adequate outlet for Bolivia on the Paraguay River might form a basis of discussion led Paraguayan Minister to ask for instructions from his Government and I am informed that he now has authority to talk with Zalles, but my impression is that these discussions will not take place immediately. The Argentine Ambassador has offered his Embassy as a place for the discussions. This action of the Argentine Ambassador is regarded by the Brazilian Ambassador as an indication of undue activity in the present controversy. It would appear from this and other activities that Argentina again aspires to be the chief arbitrator in the Chaco dispute.

Through its respective Legations in Lima and Buenos Aires Bolivia has asked Peru and Argentina to state whether or not they would remain neutral in case of war between Bolivia and Paraguay. The Peruvian Government replied that the request was inopportune and the Argentine Government that it was premature. Each indicated that it considered itself allied with the other neighboring countries in order to prevent war. Zalles has asked Chilean Minister for Foreign Affairs about neutrality but the problem here is complicated by the treaty of 1904 and the question of Arica and no reply satisfactory to Bolivia has been submitted. Discussion yesterday between the Minister of Foreign Affairs and the diplomatic representatives of the other neighboring states related to the interpretation of article No. 6 of the treaty of 1904. The Minister was disposed to give to the phrase [*phrase?*] [“commercial transit[”] a limited interpretation and to deny that the article permitted the transportation of munitions during war time. Influences are being brought to bear in favor of a broad interpretation—undoubtedly by those who have something to sell.

Zalles' conversations with me and others indicate an impatience with any proposals which do not include a solution of the fundamental need of Bolivia for an outlet to the sea. The old question of Arica lies in the background and takes concrete form in Bolivia's fear of a restricted interpretation of article No. 6 of the treaty of 1904. Might it not be possible to have introduced into the present discussions with the neighboring states the suggestion that they could relieve the war pressure on the Bolivian Government if they were to give on their own initiative some special guarantees to Bolivia of freer access to the outside world? For example, Chile might grant a free zone at Arica and declare in favor of the fullest freedom of commerce over the Arica Railroad both in peace and in war. Brazil might give a similar guarantee with reference to her railroad from Esperanza to the coast. Paraguay, Uruguay and Argentina might reaffirm the guarantees of complete freedom of international transit on the Paraguay River and the Rio de la Plata. Argentina and Paraguay might even concede a pipe line along the Pilcomayo River. If some affirmative contribution such as some or all of these concessions could be made by the neighboring powers at the same time that they are virtually threatening intervention in the name of peace, a final solution of the Chaco problem would seem to be more probable.

CULBERTSON

724.3415/1958b : Telegram

The Representatives of Nineteen American Republics²⁶ Assembled in Washington to the Ministers for Foreign Affairs of Bolivia and Paraguay

[Translation]

WASHINGTON, August 3, 1932.

The representatives of all the American Republics, assembled in Washington, where the Commission of Neutrals has its seat, having been duly authorized by their respective Governments, have the honor to make the following declaration to the Governments of Paraguay and Bolivia :

“Respect for law is a tradition among the American nations who are opposed to force and renounce it both for the solution of their controversies and as an instrument of national policy in their reciprocal relations. They have long been the proponents of the doctrine that the arrangement of all disputes and conflicts of whatever nature or origin that may arise between them can only be sought by peaceful means. The history of the American nations shows that all their boundary and territorial controversies have been arranged by such means. Therefore, the nations of America declare that the Chaco dispute is susceptible of a peaceful solution and they earnestly request Bolivia and Paraguay to submit immediately the solution of this controversy to an arrangement by arbitration or by such other peaceful means as may be acceptable to both.

“As regards the responsibilities which may arise from the various encounters which have occurred from June 15 to date, they consider that the countries in conflict should present to the Neutral Commission all the documentation which they may consider pertinent and which will be examined by it. They do not doubt that the country which this investigation shows to be the aggressor will desire to give satisfaction to the one attacked, thus eliminating all misunderstanding between them.

“They furthermore invite the Governments of Bolivia and Paraguay to make a solemn declaration to the effect that they will stop the movement of troops in the disputed territory which should clear up the atmosphere and make easy the road to the solution of good understanding which America hopes for in the name of the permanent interests of all the countries of this hemisphere.

“The American nations further declare that they will not recognize any territorial arrangement of this controversy which has not

²⁶ All the American Republics except Bolivia and Paraguay.

been obtained by peaceful means nor the validity of territorial acquisitions which may be obtained through occupation or conquest by force of arms."

FRANCIS WHITE
For the Secretary of State of the United States

FABIO LOZANO T.
Minister of Colombia

JOSÉ RICHILING
Chargé d'Affaires of Uruguay

JOSÉ T. BARÓN
Chargé d'Affaires of Cuba

P. HERRERA DE HUERTA
Chargé d'Affaires of Mexico

M. DE FREYRE Y. S.
Ambassador of Peru

R. DE LIMA E SILVA
Ambassador of Brazil

FELIPE A. ESPIL
Ambassador of Argentina

MIGUEL CRUCHAGA
Ambassador of Chile

ADRIAN RECINOS
Minister of Guatemala

PEDRO M. ARCAYA
Minister of Venezuela

DANTÈS BELLEGARDE
Minister of Haiti

ROBERTO DESPRADEL
Minister of the Dominican Republic

CÉLEO DAVILA
Minister of Honduras

GONZALO ZALDUMBIDE
Minister of Ecuador

HORACIO F. ALFARO
Minister of Panama

LUIS M. DEBAYLE
Chargé d'Affaires of Nicaragua

MANUEL GONZÁLEZ-ZELEDON
Chargé d'Affaires of Costa Rica

ROBERTO D. MELENDEZ
*Special Representative of the Republic of
 El Salvador in the Board of Directors
 of the Pan American Union*

724.3415/1920 1/4

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] August 4, 1932.

Mr. Espil called and showed me a telegram from his Government indicating that Señor Blanco, Minister of Foreign Affairs of Uruguay, had made a statement that Uruguay had suggested the inclusion of Argentina in the Neutral Commission. The telegram said that this was obviously put out to curry favor with Argentina.

Mr. Espil was concerned lest a discussion on this point should take place between the River Plate countries. I told him that I thought it would be very unfortunate at this time when the countries of America are showing a united front for Argentina and Uruguay to start a discussion on any such topic. I also told him that this could not be denied as the Uruguayan Chargé d'Affaires, Mr. Richling, had telephoned to me from New York on July 25 suggesting that the countries neighboring on Paraguay be added to the Neutral Commission. I read him the memorandum²⁷ of my two telephone talks with Mr. Richling on that day in which I had pointed out the inexpediency of any such action.

Mr. Espil thanked me and said that he would word his telegram in such a way that he thought there could be no publicity regarding it.

F[RANCIS] W[HITE]

724.3415/1974 : Telegram

The Bolivian Minister for Foreign Affairs (Gutiérrez) to the Assistant Secretary of State (White)

[Translation]

LA PAZ, August 5, 1932.

[Received 7:52 p.m.]

I have the honor to acknowledge receipt of the courteous cablegraphic note of the 3rd, bearing the honored signature of 19 neutral and friendly nations. In that note the representatives of the American Republics unite in declaring that respect for law is a tradition of the American nations and that they are opposed to the solution of controversies by force, that all territorial disputes have been settled by pacific means; they invite us to make a solemn declaration in the sense of stopping troop movements in the disputed territory. In replying to the note we must take into account the declarations con-

²⁷ Not printed.

tained therein which interpret with perfect accuracy Bolivian thought which for half a century has been protesting against wars of conquest. They are inspired by the ideas underlying American public law which does not admit occupation by usurpation as a title of ownership. Bolivia, isolated in the heart of South America, and reduced to international vassalage by well known causes, receives with enthusiasm the new doctrine being initiated in America, that force does not confer rights. That is her thesis and she will maintain it because it protects her territorial integrity. In the Chaco dispute the same thesis is applicable.

Bolivia, sovereign of that heritage by historic titles according to Hispanic-American public law, considers that force and usurpation, taking advantage of geographic proximity, have appropriated the bank which belongs to it on the Paraguay River. Welcome to the doctrine that force does not confer rights. The declaration to the effect that the nations of America will not recognize territorial acquisitions which are obtained by occupation or conquest by force of arms, is a doctrine which does not affect us, because Bolivia has neither conquered territories before nor is she attempting to occupy them now. Today she is pursuing in the Chaco the recovery of what historically and juridically belongs to her. We are asked for peaceful settlement. We have proposed them several times in formal treaties which have not been ratified by Paraguay. We wish to terminate the Chaco question, the country being resolved to make even bloody sacrifices in defense of its territory. The nation needs to break the barrier which prevents access to its bank on the Paraguay River in order to have communication with the world. This is one of the bases for a solution which must be required for Paraguay to insure the peace of America. As to the responsibilities for the encounters which have occurred in the Chaco we have already replied to the representatives of the five neutral countries acting in Washington. We are asked to stop troop movements in the disputed territory. Bolivia is mobilizing her forces in her own territory in full exercise of her sovereignty. In view of the active mobilization of Paraguay she must take her precautions and prepare herself for defense. We have stronger reason to maintain our forces in the Chaco if it is considered that to transport our contingents we cover a distance five times as great as that covered by the Paraguayan contingents. We should be grateful to the neutral countries which are acting in favor of peace if they would use their valued influence with Paraguay to succeed in making that peace a reality by means of solutions looking to the end mentioned. I repeat the assurance of my high esteem.

JULIO A. GUTIÉRREZ

724.3415/1976 : Telegram

*The Paraguayan Minister for Foreign Affairs (Arbo) to the
Assistant Secretary of State (White)*

[Translation]

ASUNCIÓN, August 5, 1932.

[Received 11:05 p. m.]

My Government confirms its adherence cardinal principles doctrine and traditions of America expressed note Your Excellency and other signatories representing American countries.²⁸ They constitute the invariable standard of its international policy. It is disposed to submit immediately arbitration or other pacific procedure each and every one of the questions in controversy with Bolivia. It renews acceptance investigation of events occurring Chaco from June 15 down to date and is disposed to give instructions to its armed forces to abstain from any hostility in accordance with the telegram addressed today to the Commission of Neutrals.²⁹ Paraguay considers act (of?) historic importance, joint declaration of non-recognition of occupation or conquest by force and feels honored in expressing her absolute adherence to that declaration.

HIGINIO ARBO

724.3415/1964 : Telegram

*The Acting Secretary of State to the Ambassador in Chile
(Culbertson)*³⁰

WASHINGTON, August 6, 1932—2 p.m.

61. Your 161, August 5, noon, last paragraph.³¹ Information received from Argentina indicates that Zalles is endeavoring to wreck the work of the Neutral Commission. The Neutral Commission is of course glad to have the four neighboring countries remain united in their action in this matter and for them to cooperate with the Neutrals. As a matter of fact, the Neutral Commission is keeping the representatives in Washington of the four neighboring countries closely advised of all developments and when there is occasion therefor invites them to meet with the Commission. Any organization of the four neighboring countries should carefully avoid giving either of the disputant parties a chance to try to play off one group against the other and thereby have a settlement fail. Argentina and Brazil are being particularly helpful.

CASTLE

²⁸ Dated August 3, p. 159.²⁹ See telegram of August 5, from the Paraguayan Minister for Foreign Affairs to the Secretary of State, p. 60.³⁰ Substantially the same telegram, August 6, to the diplomatic representatives in Argentina (No. 51), in Brazil (No. 60), and in Peru (No. 38).³¹ Not printed.

724.3415/1997 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, August 8, 1932—6 p.m.

[Received August 9—12 :25 a.m.]

70. In complying this afternoon with the Department's instruction 51, August 6, 2 p.m.,³² the Minister for Foreign Affairs requested I explain to you at length his viewpoint of the present situation. He considers that the text of the communication which I read over the telephone to Assistant Secretary White some days ago and which has now been signed by Argentina, Brazil, Chile and Peru, with slight modification in last point will prevent possibility of playing off neutral group against the group of neighboring countries. The three Governments have requested Argentina to transmit the note to the Governments of Bolivia and Paraguay and he expects to hand it to the diplomatic representatives of these two countries tomorrow.

The Minister of Foreign Affairs asked me to say that although the moral effect produced by the communication of the 19 American Governments is gratifying he is only interested in obtaining a definite result. His proximity to the scene of controversy makes it less difficult to grasp the situation than for the Neutral Commission. He is apprehensive lest the efforts of the Commission and the four neighboring Governments fail and insists that quick action must be taken to prevent hostilities which he naturally considers would be most lamentable for all America; European countries would point to the failure of the American Republics to prevent war between [two] of its smallest republics.

He has conversed at length with the Ministers of Paraguay and Bolivia and also with Dr. Escalier, former Bolivian Minister who has considerable political influence in his country though a resident of Buenos Aires, and Minister for Foreign Affairs believes that the two Governments would be disposed to agree to a truce of 1 month on the following basis:

1. The *status quo* to be observed, it being understood that it is a *status quo de facto* and not *de jure*;
2. Observance of the *status quo* to be guaranteed by a civil commission perhaps composed of consuls of neutral countries.
3. An agreement to resolve the whole fundamental question.

In his opinion Bolivian Government would fall if it agreed to accept *status quo ante* and military government difficult to deal with would succeed.

³² See footnote 30, p. 163.

The Minister stated that his Government will under no circumstances act as arbiter though he might accept to frame text of an agreement to arbitrate. Furthermore, he considers whole question can readily be solved if the two Governments will once agree to submit the question to final arbitration basing this opinion on the knowledge he has of the Bolivian-Paraguayan Conference held 2 or 3 years ago in Buenos Aires³³ to which the present President of Bolivia and the President-elect of Paraguay both served as delegates.

Earnestly [apparent omission] continuing his cooperation. Minister for Foreign Affairs expresses the hope of shortly obtaining an agreement from both Governments to a truce on the bases indicated above which he would then communicate to the Neutral Commission in Washington. He emphasized great importance of obtaining this truce because a month or a month and a half hence the rainy season in the Chaco will make military action practically impossible. He has promised to inform me as soon as he has delivered to the Bolivian Minister and the Paraguayan Minister the note from the four neighboring countries.

BLISS

724.3415/1920 7/4

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] August 8, 1932.

The Argentine Ambassador, Mr. Espil, called and showed me a telegram from his Government indicating that it felt that insistence should not be made on the cessation of hostilities between Bolivia and Paraguay on the basis of occupations of June 1, 1932, but rather on the basis of actual occupations. I told the Ambassador that the acceptance of any such theory would definitely scrap the position taken by the countries of this hemisphere on August 3 and I thought it would be most inopportune. Mr. Espil intimated that the Bolivian Government might fall if we insisted on this. I inquired which was the most essential for the good of this continent—to maintain the doctrine enunciated on August 3—or to maintain the present individuals composing the Government in Bolivia. I told him that we did not want to take an intransigent position nor bring up a collateral argument with Bolivia, but I felt that while trying to make the acceptance of the cessation of hostilities easier for the Bolivian Government,

³³ See *Foreign Relations*, 1928, vol. 1, pp. 674 ff.; see also "Minutes and Documents of the Conferences of Paraguayan and Bolivian Plenipotentiaries held in Buenos Aires under the auspices of the Argentine Government" in *Proceedings of Commission of Inquiry and Conciliation, Bolivia and Paraguay, March 13, 1929–September 13, 1929* (Washington [1929?], pp. 265 ff.).

we should do nothing which would impair or invalidate the doctrine of August 3. (My neutral colleagues when we met took an equally strong position on this matter.)

Mr. Espil also indicated that the Argentine, Brazilian, Chilean and Peruvian Governments were in agreement to act together and he showed me a telegram from the Minister of Foreign Affairs of Argentina saying that while they wanted to support the Neutral Commission they would point out that in Argentina they had all the background for handling this matter, making mention of the conferences that took place in Argentina in 1927 and 1928. I asked whether he was asking the Neutrals to step aside and let the neighboring countries handle the matter and, if so, whether they had any specific proposal of this sort to make to the Neutrals, saying that they would like to take the matter over and would assume all responsibility in the future, and whether they had agreed among themselves on such action and had any definite program. He said that he had no instructions to indicate an affirmative answer to any of these questions. I told him I thought it would be well for him to get instructions on these points. I asked who represented the neighboring countries, where their organization was set up, whether they had a definite organization in Buenos Aires such as we have here, and whether, in that event, he was to be the liaison between the two. He said he had no information on this point either. I told him that in the interest of peace in this hemisphere and the carrying out to successful conclusion what we have begun there ought to be some very definite understandings on these points. He said that he agreed. He indicated that it might be well for the neighboring countries to meet with the Neutrals again and I told him that we want to cooperate with them fully and that I would call a meeting within the next couple of days. I added that I hoped in the meantime he would have full information on these points.

F[RANCIS] W[HITE]

724.3415/2002a : Circular telegram

*The Acting Secretary of State to the Diplomatic Representatives in Certain American Republics*³⁴

WASHINGTON, August 8, 1932—8 p.m.

Bolivia is carrying on active campaign with the Foreign Offices of a number of countries against the Neutral suggestion that cessation of hostilities be on the basis of occupations of June 1st. Bolivia wants

³⁴ Brazil, Chile, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, and Venezuela.

to keep positions already taken and to have hostilities cease on basis of occupations at time the agreement is signed. No date was suggested by Bolivia for date of signing the agreement. Bolivia alleges that this is usual in the case of armistices.

The Neutrals suggested June 1st because that is prior to the first attack in the Chaco and is equitable to both and permits immediate suspension of hostilities. On any other basis there is apt to be delay while each country tries to get more of the other's forts in its possession at the time of cessation of hostilities and hostilities will drag on indefinitely. There is no question of armistice as there has been no declaration of war.

The Neutrals have cabled today direct to Ministers of Foreign Affairs of all the American countries advising them of the above in order to counteract the Bolivian propaganda which is trying to have as many of the American countries as possible take position contrary to the Neutrals'. This would be a negation of the principle laid down by the 19 American countries in their joint declaration to Bolivia and Paraguay on August 3. It is important that the American nations remain united. Discuss this with Minister of Foreign Affairs and cable results.³⁵

CASTLE

724.8415/2072 ½

*The Argentine Ambassador (Espil) to the Chairman of the
Commission of Neutrals (White)*

[Translation]

WASHINGTON, August 9, 1932.

MR. PRESIDENT: I have the pleasure of writing to you, on behalf of my Government, and of sending you, herewith, the text of the agreement signed on the sixth of the current month in the City of Buenos Aires by Brazil, Chile, Peru and Argentina.

By decision of the representatives of the first three countries, the Argentine Chancellery was charged with transmitting the said agreement to the Commission of Neutrals in this Capital.

I will appreciate it very much if the President will communicate the text thereof to the other members of the Commission.³⁶

I present [etc.]

FELIPE A. ESPIL

³⁵ The replies of the missions in Brazil, Chile, and Peru only are printed, pp. 170, 169, and 171.

³⁶ Mr. White's reply of August 10 stated: "Your letter under acknowledgment was read to the members of the Commission in a meeting yesterday, as well as the text of the agreement signed by the four above mentioned Republics, and copies of both documents were given to all the members of the Commission."

[Enclosure—Translation]

Text of the Agreement Signed by the Republics of Argentina, Peru, Brazil, and Chile on August 6, 1932, in the City of Buenos Aires

The Governments of the Republics of Argentina, Brazil, Chile and Peru, in view of the disturbing situation created between the Republics of Bolivia and Paraguay as a consequence of the incidents occurring in the Chaco Boreal conflict; desirous of preserving the interests of peace in America, seriously threatened by the imminent danger of war; in order to safeguard the moral responsibility which devolves upon them, as representatives of States belonging to the same continental sisterhood, of seeing to the strengthening of international juridical institutions, the use of which in the solution of difficult controversies has been until now a reason for legitimate pride on their part; firmly believing that the peaceful means existing for the solution of international disputes place at the disposal of the disagreeing nations resources sufficient to avoid armed conflict, however embittered the disagreements and however exigent the susceptibilities may be; recalling that in positive international law there are norms in force, strictly applicable to the case, such as the Hague conventions of 1899 and 1907, for the pacific settlement of international disputes, which creates a Commission of Inquiry and furnishes the necessary elements for possible arbitration; the Covenant of the League of Nations, of which both countries are members, which assures the exercise of pacific means utilizing mediation and arbitration; and the Inter-American Conciliation Convention signed at Washington January 5, 1929, which likewise creates organs having the same purpose, and bearing in mind that these formal [*solemnes*] instruments could not fall into disuse without injury to the prestige of the tradition invariably maintained by the countries of America in international congresses; free from all bias of partiality, and guided by the equal good will which they bear to the nations involved in the contention; without passing judgment in advance either upon the origin of the dispute or upon the responsibilities attaching to the incidents thereof, agree:

First. To invite the Republics of Bolivia and Paraguay to make a supreme effort towards concord, laying aside the warlike attitude, stopping all military mobilization and preventing the outbreak of war;

Second. To offer together their friendly services to Bolivia and Paraguay in order to receive from both nations and give proper course to any suggestions or proposals tending to bring about a conciliatory settlement, in conformity with the declaration signed on August 3, by nineteen countries of America and in relation with the Commission of Neutrals;

Third. To keep united in order to offer their adherence and their collaboration to the Commission of Neutrals assembled at Washington, with the aim of preventing in their character as limitrophe countries, war between the Republics of Bolivia and Paraguay;

Fourth. To communicate simultaneously this declaration of international fairness, friendship and purpose of peace to the Governments of Bolivia and Paraguay and to the Commission of Neutrals at Washington.

BUENOS AIRES, August 6, 1932.

CARLOS SAAVEDRA LAMAS
 FELIPE BERRADA LAOS
 J. P. DE ASSIS BRASIL
 JORGE SILVA YOACHAN

724.3415/2012 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, August 9, 1932—10 p.m.

[Received August 10—2 a.m.]

162. The Minister for Foreign Affairs is very apprehensive concerning developments in the Chaco negotiations and emphasizes the effect on Chile in case the situation develops to the point where material pressure must be exerted to maintain peace. He considers that Chile will with the other neighboring countries be called upon to exert actual physical pressure and that Chile must now consider the consequences of such action. He believes that the insistence upon the cessation of hostilities on the basis of occupations as of June 1st is merely a detail compared with the major issue of a possible war. He pointed out that Chile has in the treaty of 1924 [1904?] ³⁷ an obligation with Bolivia which guarantees freedom of transit through Arica and Antofagasta and since pressure would probably take the form of a suspension of this guarantee, it would amount to a violation of its treaty obligation, and that such action, since this treaty is a general treaty of peace, would open up all the old controversy with Bolivia. Therefore, he believes that a peaceful solution of the problem must be sought at all costs and that material pressure should not be exerted except as a last resort when it is definitely established that war is inevitable. In that case Chile would be disposed to exert material pressure but only after having discussed and agreed with Argentina, Brazil and Peru the measures to be taken.

³⁷ Treaty of Peace and Friendship between Chile and Bolivia, and Convention for the Construction and Operation of a Railroad from Arica to La Paz, signed at Santiago, October 20, 1904, *Foreign Relations*, 1905, p. 104.

Dávila⁸⁸ asked me to see him this evening and talked almost all the time on the Chaco. Like Foreign Minister he wishes to contribute something constructive to the peaceful solution of the problem. He observed that Paraguay regards the declaration in the telegram of the nineteen American Republics as a declaration of her position and added that Bolivia finds it difficult to accept it in view of Paraguay's attitude. He said that if the present Bolivian Government falls he does not know what might follow in the way of war and social disorder. For the Chilean Government the situation is very real. Both Dávila and the Minister for Foreign Affairs believe that the presence of Zalles here offers a special opportunity for negotiations. They wish to see attempted some form of direct negotiations, naturally in cooperation with the neutrals. They both emphasized the point that if peaceful measures fail it is upon the neighboring states that the responsibility for forcing the maintenance of peace will fall and that in the case of Chile the danger of extensive complications, domestic as well as international, makes the responsibility very grave.

With reference to Zalles, the Minister for Foreign Affairs stated that he is here in his capacity as Minister for Foreign Affairs of Bolivia; that he desires to avoid a war; that Bolivia is disposed to discuss the question in a friendly manner and directly with Paraguay, but that the Paraguayan Minister has not yet been instructed to discuss the question with him. He added that Zalles is not conducting an active campaign against the proposal of the neutrals but that he has merely pointed out the objections which Bolivia has made to the date of June 1st.

CULBERTSON

724.3415/2018 : Telegram

The Chargé in Brazil (Thurston) to the Secretary of State

RIO DE JANEIRO, August 10, 1932—2 p. m.

[Received 7:10 p.m.]

82. Department's circular telegram of August 8, 8 p. m. The Foreign Office reiterates that Brazil fully recognizes the importance of the support of the Neutral Commission by the neighboring countries, and that it proposes to continue on its part to render such support. In this respect it was pointed out that at the instance of Brazil the collective telegram proposed by Argentina (paragraph 2, my telegram No. 73, July 30, 4 p.m.) had been modified and addressed to the Neutral Commission instead of to the two contending Governments.

⁸⁸ Carlos Dávila, Chief of the Administration then functioning in Chile. See section entitled "Revolutions in Chile," pp. 430 ff.

At the same time, however, the neighboring countries consider that they are peculiarly well situated to estimate conditions in Bolivia and Paraguay. Brazil has accordingly (presumably 2 days ago) authorized its representatives at Buenos Aires to join those of the other countries in addressing a new collective telegram to the Neutral Commission, suggesting that a 30 days' truce be proposed to the contending states, extendable for another 30 days, during which each party should hold its present position. This step seemed necessary in view of the neighboring Governments' apprehension that if Salamanca should yield further to the representations of the Commission he would be overthrown by the military and the outbreak of war would follow. A truce during which each party should retain its position is understood by Brazil to be acceptable to Paraguay.

The Minister for Foreign Affairs has repeatedly assured me of Brazil's support of the Neutral Commission, and I do not question his sincerity. If the Bolivian Government is meeting with any success in its effort to split the Neutral Commission and the neighboring states, might not this result from the fact that the two groups are meeting in widely separated places?

THURSTON

724.3415/2021 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, August 10, 1932—midnight.

[Received August 11—1:52 a.m.]

115. Department's 38, August 6, 2 p.m.³⁹ Circular July [August] 8, 8 p.m. Discussed Chaco with Foreign Minister today stressing importance of American nations remaining united.

Foreign Minister—

1. Evinced an earnest desire to prevent at all costs outbreak of war between Paraguay and Bolivia.

2. Stated positively that Peru felt the four neighboring nations must give full cooperation and support to the Commission of Neutrals until Commission fails in its efforts before taking any independent line. He showed me a telegram definitely instructing Peruvian Ambassador to Chile to inform Chilean Government in this sense.

3. Stated under bond of confidence he feels there is much rivalry between Argentina, Chile and Brazil. That this has caused Argentina to be precipitate in presenting the formula recently signed by the four neighboring nations on their behalf and that Argentina should have again consulted Peru, Chile and Brazil before doing so since Chaco situation has changed since then.

³⁹ See footnote 30, p. 163.

4. Feels that Bolivia's mobilization, military strength, possession of certain forts and territory and present extreme patriotism make her intractable and that best way to meet the situation would be (a) to call upon Bolivia and Paraguay to cease hostilities immediately, (b) to reaffirm the statement of the 19 nations of August 3rd, (c) to name a commission to investigate whether Bolivia and Paraguay have any right to remain in their present positions, (d) if the decision is adverse both nations should be asked to retire to their positions as of June 1st.

5. Gives it as his personal opinion that the Commission's present suggestions to Bolivia and Paraguay should be altered to fit the present situation more closely, feeling that otherwise it risks failure.

Minister stressed his desire to avoid confusion and cross purposes among the four nations and to continue fullest possible cooperation and support of Commission.

The Minister is evidently somewhat apprehensive about Bolivia and wishes to avoid the necessity for joining in any blockade that may have to be carried out in case Bolivia and Paraguay do not yield to reason.

Further report by mail.

DEARING

724.3415/2037a : Circular telegram

*The Secretary of State to the Diplomatic Representatives in
Argentina, Brazil, Chile, and Peru*

WASHINGTON, August 11, 1932—2 p.m.

The Neutral Commission yesterday asked the Argentine, Brazilian, Chilean and Peruvian representatives to meet with them and informed them very fully of everything that the Neutrals have done in the Paraguay-Bolivia matter. The text of every telegram sent and received was read to them in full. They were told that the Neutrals, who have been working on this matter for 4 years now, have a very definite plan of action which they are carrying out, which was fully explained to them. They were told that the Neutrals welcome support from the neighboring countries and the closest cooperation. When the Neutrals last consulted with these representatives, namely on July 29 and 30, it was agreed that both sides would keep the other fully informed. In accordance with this promise copies of the replies of Bolivia and Paraguay to the collective note of August 3 were sent as soon as received on August 5 to the representatives of all the signing countries. Furthermore, on August 8 the Neutral Commission advised by telegraph the Ministers of Foreign Affairs of all the American countries of the developments up to that time. On August

10 the representatives of the countries above mentioned were called in and the text of all telegrams read to them. The Neutrals desire to cooperate with and to have the support of these four countries and to present a united front. The neutral representatives told them in consonance therewith that they will send the representatives in Washington of those countries copies of telegrams received and sent by them and will be glad to receive any suggestions they or their Governments may have to make. On the other hand, they desire this cooperation to be mutual and they feel it essential that they be kept advised of what these four countries are doing on their part. While they are advised that negotiations are going on in both Buenos Aires and in Santiago, they do not know the tenor of those negotiations, whether they represent the individual countries concerned or whether they are being carried out in those two capitals by common agreement of the four countries mentioned, and whether they have a well defined plan and what it is. In order that there may be no crossing of wires, it is very essential that all work together and if possible only one set of negotiations be carried on. Otherwise Bolivia or Paraguay or both may try to play off one group against the other if, in fact, the four countries have formed an effective group, or else one of those countries, acting independently, may well thwart the goal to which the five Neutrals are working, which is that outlined in the collective telegram of August 3.

Bolivia desired to keep the actual positions in an evident desire to render nugatory the categorical statement of the 19 American countries of August 3 that the latter will not recognize territorial occupations made by force of arms. While the Neutrals are not fully informed of just what Argentina has done, its information indicates that Argentina has supported this Bolivian thesis on the ground that unless something of this sort is done there will be a revolution in Bolivia, that Salamanca will be overthrown and a military Government come in which will be much worse than the present one. On the other hand, information received from Asunción indicates that unless Bolivia gives back the four Paraguayan forts last taken by her the military there will get out of control.

The Neutrals are endeavoring to the best of their ability to work out a plan that will be acceptable to both sides and they earnestly hope that they will have the support and cooperation of the other countries. Please report any developments or information as to how close an organization the four countries have, what independent negotiations or conversations they may be carrying on with Paraguayan and Bolivian officials, and whether these conversations or negotiations represent independent action of the country concerned or

whether they represent the considered and concurrent opinion of the four countries. Urge the necessity of keeping the Neutral Commission as fully informed as the Neutral Commission is keeping the representatives of those countries in Washington advised of all they are doing.

For your information the Neutrals suggested the line of occupations of June 1st as the basis for cessation of hostilities because the first incident complained of to the Neutrals was that of June 15. In the absence of the complete details regarding this and following combats which, although requested, have never been furnished the Neutrals, it was impossible for them to make suggestions for the solution of these incidents. For this reason they indicated a basis which implied no prejudgment of the matter. Furthermore it offered a basis on which there could be immediate cessation of hostilities. If line of present occupations is taken it appeared possible that Paraguay might delay acceptance until it could attempt to retake the forts, after which Bolivia possibly might not agree to the then line of actual occupations until it could endeavor to show a military conquest, and hostilities would drag on for weeks, severely aggravating the situation and perhaps bringing about an actual state of war. Furthermore, the statement of the American nations of August 3 clearly indicated that they were opposed to force, renounced it for the solution of their controversies and as an instrument of national policy, and on this basis every attack in the Chaco whether original or by way of reprisals is necessarily considered by the American nations as illegal and they have categorically declared that no position won by arms would be recognized by them.

The Neutrals considered it absolutely essential to maintain that position and also to bring about as quickly as possible a definite cessation of hostilities and agreement for arbitration. They have already succeeded in bringing about a temporary suspension of hostilities and have received a definite statement from the Bolivian Government that it "in proposing the existing situation as the basis for the suspension of hostilities did not intend to decide questions of territorial sovereignty. The legal situation of the fortines captured from one and the other country touches the fundamentals of the subject."⁴⁰ In view of the express assent given by the Minister of Foreign Affairs of Bolivia to the principles of the note of August 3 and particularly the statement quoted above, the Neutrals on August 9⁴¹ inquired of the Bolivian Government first, whether it proposes the immediate cessation of hostilities on the basis of the present positions with the

⁴⁰ See p. 62.

⁴¹ See p. 63.

understanding that such positions do not alter the legal situation of Bolivia and Paraguay of the 1st of June, 1932; second, whether it agrees to submit immediately the controversy concerning the Chaco to arbitration, negotiations for an arbitral arrangement to begin not later than September 15, next; third, whether it agrees that by June 15, 1933, positions taken in the Chaco subsequent to June 1, 1932, shall have been abandoned unless the two countries agree differently, and whether, in the meantime, they will maintain in those positions only the minimum custodial guard; and fourth, whether Bolivia agrees to give facilities to representatives of the Neutral Commission whom the latter may desire to send to the Chaco for such investigation as they may consider pertinent.

The above inquiry to Bolivia is confidential but may be communicated to the Government to which you are accredited. It has already been given to their representative in Washington. This shows the desire of the Neutral Commission to maintain the principle of August 3, to bring about a prompt cessation and not merely suspension of hostilities, to have an agreement to settle their questions definitely by arbitration, and their endeavor to cooperate with the two countries in an attempt to find a way out for both which may possibly be required by the exigencies of their local political situations. The Neutrals would warmly appreciate the support of this proposal at La Paz. If the four countries neighboring Bolivia and Paraguay have consulted together and drawn up any definite program of action which covers the essentials of the situation, the Neutrals would appreciate being advised thereof.

STIMSON

724.3415/2037b : Circular telegram

*The Secretary of State to the Diplomatic Representatives
in Argentina, Brazil, Chile, and Peru*

WASHINGTON, August 12, 1932—6 p.m.

Department's August 11, 2 p.m. Department has been definitely advised that Argentina suggested to Bolivia and Paraguay a truce of 1 month which could be renewed, both countries retaining positions actually occupied. The Neutral Commission has been definitely advised by Paraguay that it has rejected this proposal. Please ask Government to which you are accredited again to support the efforts of the Neutral Commission and more especially the proposal made by them to Bolivia on August 9 as outlined to you in yesterday's telegram.

Argentina, Brazil, Chile and Peru supported and signed the dec-

laration of August 3 and the agreement signed by those four Republics of August 6⁴² especially said that they would act on suggestions or proposals tending to produce a conciliatory solution "in agreement with the declaration signed August 3 by nineteen countries of America". The Neutral proposal of August 9 is directly in accordance with that declaration and supports it. A truce which leaves each country in possession of territory which it has conquered without at the same time obtaining an acceptance of the principles of the August 3 declaration and a definite time limit for the return of those positions is directly contrary to the declaration of August 3.

With respect to one of the reasons given for permitting Bolivia to maintain its present positions, namely that otherwise the Salamanca Government will be overthrown, it may be said that the Department understands the Bolivian suggestion to keep actual possessions did not emanate from La Paz but was suggested to the Bolivian Government by its Minister here. This takes some of the weight from that argument.

STIMSON

724.3415/2043 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

Buenos Aires, August 12, 1932—6 p.m.

[Received 9:30 p.m.]

71. Your August 11, 2 p.m. Minister of Foreign Affairs told me this afternoon that Argentina is not negotiating with the Governments of Bolivia and Paraguay but that the diplomatic representatives of these two countries and of Brazil, Chile and Peru frequently talk with him about the situation. At times he is embarrassed but says that he tells the representatives of the three latter countries that it is essential to avoid going counter to the actions of the Neutral Commission and necessary that they all act in concert. In his opinion Brazil and Peru are desirous of cooperating in every way possible with the Neutral Commission but he considers that Chile has to be watched especially because of the presence in Santiago of the Bolivian Minister of Foreign Affairs who has intimate contacts and family ties with many prominent Chilean families.

He told me that Paraguay seems to be receding from its former disposition to accept the *status quo* in the Chaco. He has received information to the effect that Paraguayan troops are being moved from the open territory of the Chaco where their inferior military

⁴² *Ante*, p. 168.

equipment makes them no match for the Bolivians to the more advantageous wooded regions.

He was very insistent that it is essential to obtain without delay agreement to permanent cessation of hostilities which he thought could be accomplished on the basis of the *status quo* with recognition of course of the principle of the joint note of August 3 if some slight concession could be found to satisfy the Bolivian pride. As regards arbitrating the question he suggested it was better to endeavor to obtain a simple agreement to arbitrate the fundamental question at issue with the understanding that the arbitration commission would fix the bases for discussion later on. He felt that negotiations would be prolonged if attempts were made to establish now the lines on which the arbitration was to be based.

The Minister was profuse in his assurances that he was desirous of cooperating in every way possible and that he would urge the representatives of the other three countries to have their Governments keep the Neutral Commission informed of developments.

BLISS

724.3415/2045 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, August 12, 1932—11 p.m.
[Received 6:37 a.m.]

164. Minister of Foreign Affairs believes and says that his Government is cooperating fully with the neutrals and that he desires to continue this cooperation in every way. He states that no negotiations are being carried out here for independent action but rather that his conversations with representatives of neighboring states, with Zalles and with Minister of Paraguay have had for their object the furtherance of a peaceful settlement through the neutrals. He added that nothing constructive had been suggested yet and it is his understanding that in case of such suggestions it would be made through the neutrals in Washington.

Showing much concern over the consequences in case Chile should be asked to exert pressure on Bolivia, for example, to prevent transshipment of arms said to be en route via Arica from Europe, he today raised the question, as on several occasions before, of what is the next step in case the neutral powers do not succeed. He answered his own question and may send his views to you in response to the invitation that the neutrals "will be glad to receive any suggestion". Briefly, he has an idea that war might be prevented and a final solution found in a meeting of the Foreign Ministers of Bolivia and of

Paraguay, representatives of the neighboring countries and a representative of the neutrals in Chile. He emphasized the vital material interest which the neighboring countries have in peace in nearby countries and contrasted it with the relatively remote interest of the neutrals. From this he concluded that a conference such as he proposed could be more effective in forcing a settlement. If the neighboring countries were to make such a proposal it might afford the neutrals an opportunity to suggest that the neighboring countries could contribute effectively to the settlement by making of their own initiative concessions which would secure for Bolivia a more satisfactory outlet to the sea.

CULBERTSON

724.8415/2055 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, August 13, 1932—noon.

[Received 5:30 p.m.]

72. Your August 12, 6 p.m. Minister of Foreign Affairs tells me that he has consistently urged Bolivian and Paraguayan Ministers that their Governments should avoid war and that at this juncture the surest way to accomplish this would be for them to agree to suspend hostilities for a month, but that he has made no definite proposal to either Government. As to the details of a truce he has told them that it was a matter for them to arrange through the Neutral Commission in Washington.

He further told me that yesterday afternoon Paraguayan Minister came to see him accompanied by Doctor Vasconsellos, late delegate on Neutral Commission. They told him that Paraguay could not accept suspension of hostilities on basis of *status quo* and he replied that it was of utmost importance that they should accept proposal of Neutral Commission; that he had understood from President-elect Ayala that Paraguay was desirous of avoiding hostilities and willing to accept any reasonable proposal of Neutral Commission; that if Paraguay now thought it could confound the commendable endeavors of the Neutral Commission and transfer negotiations to Buenos Aires, Argentina would not countenance this but would drop the whole matter; that the Argentine Government had consistently supported the Neutral Commission and would continue to do so; and that any advice which he had given to the Paraguayan Minister here had been in an endeavor to produce a conciliatory solution in support of the efforts of the Neutral Commission; that Paraguay should act frankly with Neutral Commission; that as long as he was head of the Foreign

Office his Government would observe, in case of war, the strictest neutrality which would be actively enforced.

The Minister is giving the press today the following statement:

“Owing to report of negotiations credited to the Foreign Office in regard to the conflict between Bolivia and Paraguay, we have been informed today in the Ministry for Foreign Affairs that although it is true that it follows, and will continue to follow closely and with deep interest, all the incidents of the pending negotiations, until such time as the object pursued by the continent of insuring a definite participation is secured, it must be realized that the Commission of Neutrals in Washington, as the result of its diplomatic activities, continues to carry on the negotiations as previously, and it is the Commission which is taking action in the conflict. Moreover, there is not the slightest doubt that the Commission is acting with the collaboration of all the neutral nations and especially of the four neighboring countries which signed the Agreement of August 6th”.

I asked him whether his Government would counsel the Government of Bolivia and Paraguay to accept the Neutral proposal of August 9⁴³ and he answered in the affirmative.

BLISS

724.3415/2054 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, August 13, 1932—1 p.m.

[Received 3:35 p.m.]

116. Department's circular August 11, 2 p.m., and circular August 12, 6 p.m. Messages being received badly garbled and causing delay. Had an extended talk with Foreign Minister this morning. There can be no doubt that Peru will support Commission and keep it informed, defer any independent action and follow Commission's lead.

Foreign Minister declares Peru will live up to declaration of August 3 and showed me a telegram to the Ambassador in Washington instructing him to support the Commission's inquiry of Bolivia of August 9.

I gather that since Peru desires to leave negotiations in the hands of the Commission of Neutrals, Foreign Minister feels direct appeals from Peru to Bolivia somewhat unnecessary.

The Minister states that so far as four neighboring countries are concerned Peru will abide by the formula signed August 6th and desires that Argentina, Brazil and Chile shall do the same, leaving the lead to the Commission. He says no separate negotiations have been

⁴³ *Ante*, p. 63.

carried out by Peru with Bolivia and Paraguay, since the signing of the formula of August 6th.

The Foreign Minister stated I had given him the first news of action of Argentina mentioned in the circular of August 12, 6 p.m., and is decidedly of the opinion that such independent action is confusing and undesirable; that negotiations at Buenos Aires and in Santiago may cause trouble, and that for the four neighboring nations to abide by formula of August 6th and follow the Commission's lead is by all means the best.

It is evident Foreign Minister thinks Argentina and Chile are continuing their rivalry and playing for advantage. When I asked whether the four powers have any definite program of action covering essentials of the situation, the Minister iterated his statement that Peru based itself squarely on the declaration of August 6th and would support the Neutral Commission.

DEARING

724.3415/2043 : Telegram

The Secretary of State to the Ambassador in Argentina (Bliss)

WASHINGTON, August 13, 1932—3 p.m.

52. Your 71, August 12, 6 p.m. Department's circular August 11, 2 p.m. will have told you of Argentine suggestion which Paraguay has rejected. It appears more than likely that it was this independent suggestion which is causing Bolivia not to accept the suggestion made by the Neutrals on August 5⁴⁴ and modified on August 9⁴⁵ to endeavor to find a way out for Bolivia.

Department now understands that Argentina is discussing a direct settlement or at least an agreement by Paraguay that any arbitration settlement will provide for a port on the river for Bolivia. Please inquire regarding these negotiations or conversations.

Department's August 11, 2 p.m. will explain to you the definite plan of the Neutrals and the objects for which they are working as well as the reasons for suggesting that hostilities cease on basis of June 1st occupations. They have nothing to indicate any plan on which the neighboring countries are working or that they have any long time objective in view.

For your confidential information the Neutrals have been informed on most reliable authority that Argentina stated in Asunción that the Neutrals wished to withdraw from the negotiations and that these should be placed in the hands of Argentina.

STIMSON

⁴⁴ *Ante*, p. 58.

⁴⁵ *Ante*, p. 63.

724.3415/2045 : Telegram

The Secretary of State to the Ambassador in Chile (Culbertson)

WASHINGTON, August 13, 1932—3 p. m.

63. Your 164, August 12, 11 p. m. Independent conversations with representatives of neighboring states and with Zalles may have for their object the furtherance of a peaceful settlement through the Neutrals but as the Neutrals know nothing whatsoever regarding the negotiations and have never been given the slightest inkling by the Chilean Government as to the line it is working on it should readily be understood that the task of the Neutrals is made very difficult as they do not know what proposals contrary to theirs may be under discussion which raise the hopes of one or the other of the parties and hence make difficult a solution. The only way for the negotiations to succeed is to have them centered in one place only and if suggestions would be sent to the Neutrals before being discussed with Bolivia and Paraguay it would greatly help the task of the Neutrals and prevent any crossing of wires. The Neutrals, for their part have been very glad to advise the Ambassadors in Washington of the neighboring countries of every single thing they have done in order that their Governments can be kept fully informed. Cooperation with the Neutrals requires that the latter be kept as fully informed of all conversations carried on by those Governments.

You may discreetly suggest to the Minister of Foreign Affairs that his desire to cooperate with the Neutrals could best be carried out by informing the Neutrals of conversations with Zalles. This information may be transmitted either through you or through the Chilean Embassy in Washington as he may prefer.

STIMSON

724.3415/2057 : Telegram

The Chargé in Brazil (Thurston) to the Secretary of State

RIO DE JANEIRO, August 13, 1932—6 p. m.

[Received 10:11 p. m.]

87. Department's circulars of August 11, 2 p. m., and August 12 6 p. m. The Foreign Office has assured me and has shown me copies of its telegrams to the Brazilian representatives at Washington and La Paz in confirmation, that Brazil fully supports the inquiry addressed by the neutrals on August 9th to the Bolivian Government.⁴⁶

The Under Secretary, with whom I discussed this subject today, stated that Brazil's collaboration with the other neighboring states is solely in the interest of peace, since it is not inspired by the considerations of policy and expediency which may be assumed to ani-

⁴⁶ *Ante*, p. 63.

mate Argentina, Chile and Peru. He evidently does not consider that the four neighboring states have actually effected the organization of a bloc, or that they are pursuing a definite plan. He intimated however that several proposals (evidently the Argentina) had been advanced for certain direct joint action in the Chaco question, to which Brazil had declined to adhere, favoring instead full support for the Neutral Commission.

THURSTON

724.3415/2067 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, August 15, 1932—10 p. m.

[Received August 16—1:05 a. m.]

73. Your 52, August 13, 3 p. m. I am not able to confirm Argentine activities in Paraguay though various indications warrant presumption it has endeavored to obtain Paraguayan acceptance of *status quo*, the Bolivian thesis which Argentina appears to have espoused with idea that Paraguay's situation would compel acceptance, and of overcoming Bolivian suspicion of Argentine mediation. Despite Argentine Minister for Foreign Affairs' protestations of cooperation with Neutral Commission it seems probable that four neighboring countries are seeking to act independently of Neutral Commission whose efforts they appear to deprecate as ineffective.

As a result of Paraguayan rejection Argentine solution I gather those four countries now consider Chile logical agent to treat with Bolivia in endeavor to establish compromise line or give her zone acceptable to both countries for cessation hostilities leaving arbitration all in later discussion.

BLISS

724.3415/2090 2/4

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] August 18, 1932.

The Argentine Ambassador called this morning and said he had been asked by his Government to cable the full text of the Neutrals' telegram of the seventeenth to Bolivia.⁴⁷ I told him that I was sending him a copy. Mr. Espil said he understood that the press had carried the cable, in which event he would simply refer to the text as transmitted by the press. I told him I was advised that the United Press had carried the cable in full.

Mr. Espil then said that he had been asked by Mr. Saavedra Lamas to inquire why the words "de este controversia" had been put in the

⁴⁷ *Ante*, p. 68.

joint telegram of August 3 and how they were to be interpreted. (This should definitely dispose of any claim on the part of Saavedra Lamas to having been the author of the declaration of August 3).

I told Mr. Espil that these words were naturally put in because Bolivia and Paraguay were fighting and the Neutrals, in drafting the cable, had wanted the other Governments to associate themselves with us in telling the Bolivians and Paraguayans that they should cease fighting at once and to make it clear to them that if they did not we would not recognize any territorial conquest which either side might make. In other words, putting in these words indicated that the doctrine was applicable to the present incidents in the Chaco and to any controversies that may arise anywhere in this hemisphere in the future.

I also told him, for his confidential information, that when I was asked at the meeting on July 30 just before we adjourned for lunch to draft the declaration, the Colombian Minister had said to me, with reference to my statement in the meeting that we should put some teeth in our declaration by saying that we would not recognize any territorial conquest, that he was afraid that on account of Chile having taken Bolivia's seacoast from her we would have to be very careful how we worded the statement or else the Chileans would not join in with us; fearing that it would give Bolivia a chance to reopen that old question. I had told the Colombian Minister that I would take care of this. Therefore, although there was no such qualifying clause in the draft which I had been working on ever since Paraguay started to withdraw from the conference, I put in the words "of this controversy" in order to reassure Chile that there was nothing retroactive in the declaration. I had also put in the words "en estos momentos" after the word "obtenidas" in the last paragraph of the declaration. I said that Chile had been willing to go further than I thought and had asked that "en estos momentos" be changed either to "en el Chaco" or else deleted, and that Mr. Espil would recall that when I had discussed the matter with him he had said that he would have to consult his Government about substituting the words "en el Chaco" but had agreed to eliminating the words "en estos momentos", which made the doctrine more sweeping and more in accordance with what I had originally planned.

I also pointed out to Mr. Espil that in the Neutrals' telegram to Bolivia of August 17 we explained the use of these words as showing that the Neutrals were not giving a retroactive interpretation to the doctrine of August 3 but that that declaration itself specifically said that it referred to the present conflict.

F[RANCIS] W[HITE]

724.3415/2092b : Circular telegram

*The Acting Secretary of State to the Diplomatic Representatives
in Argentina, Brazil, Chile, and Peru*

WASHINGTON, August 18, 1932—1 p. m.

Department learns that Argentina is now discussing with Bolivia and Paraguay a proposal by which Bolivia will evacuate positions occupied since June 1st on the understanding that these positions will be neutralized and will not be reoccupied by Paraguay.

The Neutrals have not been advised by Argentina of this suggestion although it was agreed in the meeting in Washington on August 10th, when the Neutrals invited the representatives of the neighboring countries to discuss the matter with them, that each group would keep the other fully advised of all it is doing and that no independent action would be taken which might make the task of the Neutrals more difficult.⁴⁸

Department does not know whether this suggestion is one of Argentina alone or whether it represents the joint action of Argentina, Brazil, Chile and Peru. Please report.

CASTLE

724.3415/2094 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, August 18, 1932—5 p. m.

[Received 6:15 p. m.]

175. Chile is not a party to the proposal referred to in your circular of August 18, 1 p. m., nor had the Chilean Foreign Office any knowledge of it prior to my inquiry.

The Minister for Foreign Affairs stated the position of his Government in his number 73, August 12, which the Chilean Ambassador in Washington no doubt communicated to you.

CULBERTSON

724.3415/2093 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, August 18, 1932—9 p. m.

[Received 11:56 p. m.]

77. Following receipt this afternoon of Department's circular, August 18, 1 p. m., and 53, August 18, 1 p. m.,⁴⁹ I talked with the Minister for Foreign Affairs. He stated that for the third time he could assure me Argentina was not making suggestions to Bolivia

⁴⁸ See circular telegram dated August 11, 2 p. m., p. 172.

⁴⁹ Latter not printed.

and Paraguay, that the information received at the Department must be the result of intrigue and that it was annoying to be accused of actions which he had already denied.

He showed me copy of telegram sent Espil last night informing him of conversation with Minister of Bolivia, in which latter had voluntarily called and indicated the disposition of Bolivia to accept a proposal which is similar to the one contained in first paragraph your above mentioned circular. The Minister stated that the proposal was not his and that he did not know whether it would be accepted by Paraguay. He indicated that if it were desired by the Neutral Commission he would send confidentially a representative to Asunción to determine whether the indications made by Minister of Bolivia were acceptable to President of Paraguay.

I inquired why the Bolivian Government did not make the suggestion to Commission in Washington; it seemed to be his opinion that Bolivia was perhaps playing politics in coming to him with the suggestion. When acquainting him with Department's telegram No. 53, he replied that he would be glad to take any action in sustaining the Neutrals which the Commission might definitely indicate, without which he feared he would again be accused of taking action independently of the Commission. Although I urged that his support in La Paz of the Neutrals' suggestions would be welcome and helpful he said that he would prefer to have a definite request from the Neutrals as to exactly what was desired of him and that he would then talk with the representatives here of Brazil, Chile and Peru urging that the four Governments take concerted action in La Paz. He considered that such action should be discreetly taken to avoid creating resentment by Bolivians of too strong pressure though he was willing to act with the other three in counselling as strongly as prudence would permit acceptance of Neutrals' suggestion.

Minister of Foreign Affairs again (see my 73, August 15, 10 p. m.) emphasized that Chile could exert more effective influence on Bolivia than could other three neighboring countries.

BLISS

724.3415/2102 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, August 19, 1932—noon.

[Received 5:05 p. m.]

121. Chaco. Foreign Office informs me the initiative mentioned in first paragraph Department's circular August 18, 1 p. m., belongs to Peru and is Peru's idea and that the Peruvian Ambassadors in Washington, Santiago, Buenos Aires and Rio de Janeiro have been appro-

priately instructed, Freyre having been directed fully to inform both Commission of Neutrals and our Government in conformity with agreement of August 10th.⁵⁰ Foreign Office was unaware Argentina was already acting on the suggestion and is awaiting reports from Buenos Aires, Santiago, Rio de Janeiro and Washington.

In this connection and with reference to my telegram No. 118 [119], August 16, 9 p. m.,⁵¹ news despatches today report failure of mission of Bolivian Foreign Minister at Santiago and his return to La Paz. Foreign Office confirms this, stating that our Ambassador in Santiago sat in with the Peruvian, Argentine, Brazilian and the Chilean representatives at their conferences. I assume therefore Department has full information from Santiago.

Department's circular August 18, 2 p. m.⁵¹ Foreign Office states Freyre instructed to inform our Government and Commission of Neutrals Peru will support by direct representations at La Paz the proposal of the Commission of Neutrals of August 17th⁵² and will ask Bolivia to do so within the terms of the declaration of the American countries of August 3rd. Foreign Office adds whole performance of Peru and the other three neighboring countries is to support the Commission of Neutrals in every way and that Peru and her associates are determined to do so.

DEARING

724.3415/2100 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

Buenos Aires, August 19, 1932—7 p. m.

[Received 8:11 p. m.]

78. I handed this afternoon to the Minister for Foreign Affairs the text of the Neutrals' telegram of 17th⁵³ as contained in the Department's circular August 18, 2 p. m.⁵¹ At the same time I made the request contained in its last paragraph. The Minister told me of telephone conversation he had today with Argentine Ambassador to Washington directing him to acquaint the Neutral Commission with his views; also of a telephone conversation with the Argentine Ambassador to Chile in which he suggested that Chile should delay or prevent clearance of shipments of arms coming to Bolivia through

⁵⁰ See circular telegram, August 11, 2 p. m., p. 172.

⁵¹ Not printed.

⁵² See telegram of August 17, to the Bolivian Minister for Foreign Affairs, p. 68.

⁵³ *Ante*, p. 68.

Chilean port. Information has reached him also that Bolivia was contemplating submitting Chaco question to League of Nations.

The Minister for Foreign Affairs assured me that he would study Neutrals' telegram of the 17th to find the best method of backing up their proposal at La Paz.

BLISS

724.3415/2100 : Telegram

The Acting Secretary of State to the Ambassador in Argentina (Bliss)

WASHINGTON, August 20, 1932—3 p. m.

55. Argentine Ambassador called this morning and advised of his telephone conversation with Minister of Foreign Affairs. Latter gave Ambassador to understand that he does want to cooperate. Please tell Saavedra Lamas how much this Government appreciates the offer on his part, both through Espil and as stated in last paragraph of your 78 of August 19, 7 p. m.

Culbertson reports that Minister of Foreign Affairs of Chile arranged to see Zalles yesterday morning before latter left for La Paz in order to urge upon him sympathetic compliance with request of Neutrals. Department has expressed appreciation of this and has suggested that it would also be helpful, in view of delay in Zalles arriving in La Paz, if a similar statement could be made by Chilean Minister there to the Bolivian Government direct.

WHITE

724.3415/2154 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, August 25, 1932—6 p. m.

[Received 10:50 p. m.]

187. On several occasions during the past week the Minister for Foreign Affairs has conferred with the Ambassadors of Argentina, Brazil, Peru on the Chaco question. He has taken the position firmly that he was not in favor of the neighboring countries initiating any independent action but that he did desire to organize the influence of the neighboring countries in order to offer it as a support to the neutrals in their effort to establish peace. This afternoon he handed me a memorandum and a draft of a note which embodies his views and those of the three Ambassadors who are until now without instructions from their Governments in the premises.

The first paragraphs of the draft note recite in friendly terms the long standing policy of the American continent "to eliminate force as an instrument for solving territorial questions which so deeply

agitate the soul of the American people". That the four neighbouring countries view with apprehension the state of warlike excitation in Bolivia and Paraguay and without pretending to impair their sovereign rights or to prejudge the juridical merits of the case, they feel it to be their duty as bordering countries and as friends to call their attention to the immense responsibility which each assumes before the family of American nations in not lessening in part its terms of settlement in such a way as to facilitate the solution of the present controversy. Reference is then made to the long series of efforts to reach a solution and it is pointed out that the danger to American peace is still alive and that this danger affects in a very special manner the bordering countries in view of which the four Governments, responding to the suggestion of the Neutral Commission, have formulated the proposal embodied in this note.

The draft note concludes with these paragraphs.

"In the place which may be considered convenient and within the period of one month, to call a conference composed of a representative of the Neutral Commission of Washington, delegates of Bolivia and of Paraguay, and delegates of Argentina, Brazil, Chile and Peru, on the basis of:

(1st), Immediate abstention from, at the moment of accepting this invitation, all military activity in the zone of the forts in the Chaco;
 (2nd), Maintenance of the present positions without prejudging with respect to the future situation of the forts taken after June 1st. The conference would determine:

(a) the condition in which the zone occupied after June 1st must remain;

(b) it would propose equitable formulae for the friendly settlement of the fundamental question taking into account the reciprocal interests of the parties;

(c) in case of the impossibility of a direct understanding, it would suggest the bases for arbitration or for successive arbitrations;

(d) it would guarantee, in the meantime, the observance of non-aggression in the disputed territory.

In taking this decision, after mature study, the Governments of the A. B. C. and of Peru consider that they reached the limit of their conciliatory spirit and, consequently, they leave entirely in the hands of the Government of Bolivia or of Paraguay all responsibility for the consequences which might result for them from the application of recognized international principles to prevent or stop war.

Since there is still time to calm feelings and to alleviate the political atmosphere, the Governments of Argentina, Brazil, Chile and Peru are confident that the road will be found, not only for a similar temporary truce but for a noble and definitive solution of the problem of the Chaco".

The memorandum of the Minister for Foreign Affairs states that the draft note, if approved, "will be formally drafted and directed to the Governments of Brazil and Peru ⁵⁶ through Washington by virtue of the invitation made by the Commission of Neutrals".

He desires that the Department of State use its influence to obtain the acceptance of the note by the Governments of the other neighbor states. He asks that the document be held confidential and concludes that "the confidential and informal opinion of the Department of State will be duly appreciated as soon as possible for the better success of the negotiations".

CULBERTSON

724.3415/2090 1³/₄

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] August 26, 1932.

Mr. Espil called and showed me confidentially a telegram from his Government giving what was apparently the Paraguayan reply to the previous Argentine suggestion of a truce of thirty or forty days on the basis of actual possessions. The Paraguayan Government definitely rejected this proposal.

Mr. Espil asked what the developments were and I told him of the telegrams we had received from Santiago and Lima. He had heard nothing about it from his Government. I told him how the Neutrals felt; that I had advised Mr. Mendoza, at their request, as the suggestion appeared to have originated from the Peruvian Government, in order that he might inform his Government, and that furthermore I had answered the telegrams from our Embassies in Chile and Peru stating that the Neutrals felt that the proposal to have a conference at which the Neutrals would have but one representative would in effect exclude the other Neutrals and that therefore they were not in favor of it but that they wished to keep the Neutral Commission intact. I said that of course we welcome the cooperation of the other countries and the interest they are taking in the matter and desire to work with them to the fullest possible extent, and I felt that in advising us in advance of the nature of the proposal they would probably want to be told of any features in the program which the Neutrals did not feel they could support. This, of course, did not mean our rejection of the whole project—I thought it opened the way for more active participation by the four neighboring countries if they were willing to take the responsibility therefor—and I sincerely hoped they were.

⁵⁶ Should read "Bolivia and Paraguay". See par. 2 of Department's telegram No. 76, August 31, 7 p.m., to the Ambassador in Chile, p. 192.

I then told Mr. Espil, for his personal and confidential information, that the object to which the Neutrals are working is this: We support the declaration of August 3. We suggested the line of June 1 for the cessation of hostilities as it offered the possibility of immediate acceptance, we thought, by both sides, with honor to both and a support of the August 3 doctrine. Bolivia had wanted to maintain her actual possessions. We had offered a way out by suggesting that a definite date be fixed on which the forts would be given back if the negotiations between Bolivia and Paraguay for an arbitral settlement did not result in agreement. Under this proposal, Bolivia of course maintained the liberty to make any proposal she wanted in the negotiations for the arbitral settlement.

I said that I am not in favor of maintaining inexorably our suggestion for the cessation of hostilities on the June first line. I am perfectly willing to give up this point if it will lead to a definite settlement and as soon as I see that Bolivia is ready and willing to make a definite settlement I will give up this position. I am not willing to give it up, however, until I see it will do some good to do so.

Our next step will depend very much on the Bolivian answer to our note of August 17⁶⁷ in which we asked for definite suggestions but, unless that answer is helpful, I thought the Neutrals should then ask Bolivia whether, in making her proposal to maintain actual possessions until the sovereignty thereof is settled by an arbitral agreement, she would be willing, in case after one year's negotiations with Paraguay do not result in an agreement, to submit the proposals made by both sides for an arbitral agreement to say the Seventh Pan American Conference in Montevideo, or the Hague Tribunal, or any other similar body, together with a statement of the reasons why each side finds certain proposals of the other unacceptable and considers them obstructive and unfair, in order that that body might pass on the merits of the demands of each side and then draw up itself a treaty for the arbitration of this matter, based on the suggestions of the two parties and which it should consider equitable to both. It would be provided that if Bolivia did not ratify this arbitral agreement six months after it was drawn up and presented to it the forts would then go back to Paraguay.

This proposal would mean that Bolivia had had the choice of giving back the forts on a given date, if agreement was not reached prior thereto with Paraguay, Bolivia being free to make any proposal she wanted regarding the arbitration, or of continuing with the occupations until the whole Chaco matter was settled by arbitration but

⁶⁷ *Ante*, p. 68.

having to submit to the decision of a third impartial body as to whether the conditions she exacted were fair or not.

Should this proposal not be accepted then I thought the Neutrals should ask Bolivia what zones she had in mind in suggesting that the matter be submitted to arbitration on determined zones. Paraguay would be asked the same. It was to be expected that of course there would be a certain part of the territory which both sides would agree should be submitted to arbitration and zones which each party would ask to be excluded from the arbitration and recognized as appertaining to it. Each Government would then be asked whether it would agree to exempt the zone or zones of the other from arbitration provided the zone or zones suggested by it should similarly be exempted from arbitration. If this were done, a zone agreed to by both would then be submitted to arbitration. If this should not be accepted, then both Governments would be asked if they would submit their whole dispute to arbitration without mentioning reserving any zones whatsoever but leaving it up to the Arbitral Tribunal to decide all such matters. Each side could of course allege that it had special rights and titles to certain zones and the Arbitral Tribunal would take this into consideration. Should Bolivia reject this, then the emphasis would be off the June 1 line and on the principal question, namely whether Bolivia would submit the whole Chaco matter to an arbitral settlement. Should Bolivia or Paraguay refuse, then I thought the Neutrals should call in the neighboring countries; explain to them what they have done and how the matter stands; explain the refusal of one side or the other to submit the matter to an arbitral settlement, and consult as to what measures should be taken in view thereof to prevent hostilities. I said that the question would then be so defined that public opinion throughout every country in America would clearly see the issue and support the Neutrals and the neighboring countries in any measures which might be taken to prevent hostilities.

Mr. Espil said he thought that this was a well thought out reasonable proposal and was the line to proceed on if we had reasonable men to deal with. If there were a different Minister of Foreign Affairs in Argentina, there would be nothing he would like better to do than cooperate with us and help carry out this program. Conditions being what they are, however, he rather jumped at the Peruvian proposal of carrying on the negotiations somewhere else because he said, quite frankly, that if the negotiations are carried on here he knows that sooner or later he will be in an open break with his own Minister of Foreign Affairs, Saavedra Lamas.

(The above program of the Neutrals, which I outlined to Mr. Espil, I talked over with the Neutrals in a meeting of the Neutral Commission this morning, and all agreed with me that that was the line on which we should proceed).

F[RANCIS] W[HITE]

724.3415/2154 : Telegram

*The Acting Secretary of State to the Ambassador in
Chile (Culbertson)*

WASHINGTON, August 31, 1932—7 p. m.

76. Your 195, August 30, 11 a. m.⁵⁸ Department's 71, August 26, 4 p. m.⁵⁸ discussed only one feature of the proposal outlined in your 187 of August 25, 6 p. m., namely the calling of a conference at which the Neutrals would have but one representative, which would in effect break up the Neutral Commission. The Neutral Commission has been working loyally together in the greatest harmony and cooperation for 4 years. The proposal mentioned was undoubtedly designed to transform the Neutral Commission into a new commission of five powers, namely the United States and the four neighboring countries. This Government would not consent to throwing over the other four nations which have been working loyally with it for the past 4 years for the maintenance of peace in the Chaco and for a peaceful settlement of that dispute.

There is nothing before the Neutral Commission regarding this matter. The penultimate paragraph of your 187 of August 25, 6 p. m. said that draft note if approved "will be formally drafted and directed to the Governments of Brazil and Peru through Washington by virtue of the invitation made by the Commission of Neutrals." The Department understood that to be a misprint and should read the Governments of Bolivia and Paraguay instead of Brazil and Peru. Therefore the proposal was discussed informally with the Neutrals in advance of its expected presentation to the Neutral Commission for action. The feature mentioned in Department's 71, August 26, 4 p. m. was unanimously unfavorably commented on by the Neutral Commission and Department's telegram was sent, as stated, in the thought that before the matter was finally presented to the Neutrals some change might be made in this feature.

As the neighboring countries or Chile, either on its own, or on their behalf, has decided to present the matter direct to Bolivia and Paraguay, and not through the Neutrals, and as there is no proposal before

⁵⁸ Not printed.

the Neutral Commission and as the Department alone can not express the views of the Neutrals regarding all the other features of the program, Department does not desire you to take the matter up with the Chilean Government at this time.

CASTLE

724.3415/2226 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, September 3, 1932—noon.

[Received 1:45 p. m.]

196. Referring to the last sentence of your telegram No. 77, September 1, noon,⁵⁹ I desire to report the following developments: Last night the Minister for Foreign Affairs invited to attend a meeting in the Ministry the Ambassadors of Mexico, the United States, Argentina, Brazil and Peru, and the Ministers of Uruguay, Colombia and Cuba. Chile was represented by the Minister for Foreign Affairs and two other officials of the Ministry.

The Minister presented a new draft of the note referred to in my telegram No. 187, August 25, 6 p. m. The only fundamental change in this draft was in the paragraph relating to the composition of the conference; the draft now proposes a conference including representatives of each of the five neutrals, of each of the four neighboring countries and of Paraguay and Bolivia. The Minister for Foreign Affairs stated that it is the intention of the four neighboring countries to submit the note officially to the Neutral Commission, probably through the Chilean Embassy in Washington. Apparently the hope is that then the Neutral Commission will incorporate the note of the neighboring countries in a communication of its own in which it expresses approval and will thereupon send it to the Governments of Paraguay and Bolivia.

The imminence of the war in the Chaco and the sincere hope that the step they were taking might result in effective cooperation between them and the neutrals were the ideas which pervaded and dominated the conference which lasted until 2 o'clock this morning.

CULBERTSON

⁵⁹ Not printed.

724.3415/2243

*Memorandum by the Chief of the Division of Latin American
Affairs (Wilson)*

[WASHINGTON,] September 3, 1932.

Mr. Bliss telephoned from Buenos Aires at 10 o'clock this morning to say that yesterday evening the Minister for Foreign Affairs sent for him and expressed his views as follows:

That Bolivia and Paraguay were now not far apart. The truce for thirty days had been accepted by Bolivia but Paraguay would not accept unless she received guarantees that her position would not be prejudiced by Bolivian troop movements during the truce. The object to be attained now is agreement of the two countries on guarantees acceptable to both. Mr. Bliss said that at this point in the conversation the Minister from Paraguay came into the room, having been asked to come by Saavedra Lamas. The latter went over the same points with the Paraguayan Minister. Saavedra explained that he wanted to find some way of settling this question satisfactory to the two countries and that if he could do so he would then transmit the question to the neutrals so that they could submit it to Paraguay and Bolivia. He said that Espil had reported that the neutrals wanted him to make some definite proposal to them which they could support and pass on to Bolivia and Paraguay. However, he could not make any such proposal unless he knew beforehand that it was satisfactory to both Bolivia and Paraguay.

Saavedra Lamas gave the Paraguayan Minister a paper covering the following points:

That he should find out if it would be agreeable to his Government if Bolivia should abandon the fortines and place them in the hands of neutral forces with a guarantee by the neutrals that there would be no hostilities and entire suspension of military movements which could be regarded as a concentration of forces. The Minister of Paraguay agreed to inquire of his Government whether this would be acceptable.

Saavedra asked Mr. Bliss to come in at 5 o'clock this afternoon and said that he would put the same thing up to the Minister of Bolivia to see if he could obtain agreement of his Government. If both Paraguay and Bolivia agree Saavedra would then transmit the proposal to the neutral commission in Washington so that it could submit the plan to the two governments.

Mr. Bliss said that he could see no objection to this proposal of the Argentine Minister of Foreign Affairs since it was working towards

a practical solution which would be transmitted to the neutrals for them to submit officially to Bolivia and Paraguay.

I gave Mr. Bliss the contents of the neutrals' message to the Minister of Foreign Affairs of Bolivia of September 2.⁶⁰ I said that while it seemed that the Argentine proposal might be towards the same end as that made by the neutrals to Bolivia, nevertheless the Argentines were going at it on their own again, and these independent steps and the many intrigues which had taken place as a result always made the efforts of the neutrals harder. I said that I was telephoning Francis White this morning and would give him the message and that if there were any suggestions to transmit to Mr. Bliss before his meeting with the Argentine Minister this afternoon I would telephone them to him.

With regard to the Argentine proposal that the fortines would be "placed in the hands of neutral forces" I asked Mr. Bliss if he knew just what Saavedra had in mind. He said that Saavedra had not explained this but that in a later conversation with the Paraguayan Minister the latter said he assumed this meant that the forces would be Argentine since only Argentina of the neutrals was in a position to move troops in this area.

E[DWIN] C. W[ILSON]

724.3415/3317 ½

*Memorandum by the Chief of the Division of Latin American
Affairs (Wilson)*

[WASHINGTON,] September 3, 1932.

I telephoned Mr. Bliss this afternoon and gave him in detail what Mr. White had said this morning about Saavedra Lamas' proposal. I said that Mr. White could not emphasize too strongly the importance he attached to Saavedra Lamas' abandoning his independent steps with Bolivia and Paraguay and cooperating with the neutrals through backing up their inquiry of Bolivia of September 2. Mr. Bliss asked if he was authorized to inform Saavedra of the neutrals' message to the Bolivian Foreign Minister, and I said that I could see no objection to this since it had always been the policy of the neutrals to keep the neighboring countries fully informed. Mr. Bliss said that the difficulty with the neutrals' inquiry of Bolivia would be, he believed, that it did not seem to provide any guarantees that there would be no troop movements during the truce and Paraguay was insisting upon guarantees. I said that once Bolivia agreed that there

⁶⁰ *Ante*, p. 85.

would be no troop movements or concentration of troops during the truce, the neutrals could then go back at Paraguay on this line with the hope of working out a solution. The important thing was that Argentina, if she wanted to cooperate, should get back of the neutrals and not muddy the waters by putting in independent proposals.

Mr. Bliss said that he understood and would try to put this over with Saavedra, although he believed it might be difficult. He said that Saavedra had assured him many times recently that he was not looking for any personal glory out of this, but only wanted to support the neutrals. I said that his last proposal was not in line with this statement since it was an independent act on his part taken before consulting the neutrals.

EDWIN C. WILSON

724.3415/2227 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, September 5, 1932—10 a. m.

[Received 10:40 a. m.]

197. Some disagreement apparently arose among the four neighboring countries after the meeting referred to in my telegram 196, September 3, noon, and there has been delay in despatching the communication to the neutrals. I have had no part in the conference over the week-end. In the conference Friday night, however, I noted that the Chilean Minister for Foreign Affairs and the Argentine and Peruvian Ambassadors were inclined to insist that the proposed conference be held in South America since, so they argued, it would permit Bolivia and Paraguay to be represented by their Ministers for Foreign Affairs. They were perhaps inspired also by motives more personal. I understand that Brazil has objected to the sending of the note unless the neutrals approved it and agreed to sign along with the neighboring countries and unless the conference be held in Washington if the neutrals so desired.

CULBERTSON

724.3415/2240 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, September 6, 1932—7 p. m.

[Received 8:13 p. m.]

73. The Government has given no definite reply to the tentative plan of the four neighboring countries which was read to the President on September 2nd by the Chilean Minister, but I am informed that the Government is not favorably disposed to the conference sug-

gested in the Chilean note and that it resents the implied threat that other measures would be taken if Bolivia refused to accept the plan. With the exception of one conference with his three colleagues, the Chilean Minister has acted alone.

The Bolivian Government has definite information that Argentina is supplying war materials to Paraguay, and is alarmed at the rumored economic blockade, which it is felt would only affect Bolivia.

The opposition press openly demands war as the only solution, and the situation grows more critical day by day. The Cabinet crisis continues without solution and there is no cessation of military preparations. Congress continues the secret discussions of the various projects for financing national defense.

FEELY

724.3415/2245 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, September 7, 1932—noon.

[Received 1:48 p. m.]

51. Minister for Foreign Affairs has shown me telegraphic correspondence with Uruguayan Minister to Chile concerning proposal broached at Santiago for a conference of representatives of Argentina, Brazil, Chile, Peru, and certain other countries with regard to Chaco dispute.

Minister for Foreign Affairs desires that you be informed that, although willing to go along with any Pan American sentiment that is unanimous, he prefers that policy of his Government conform to that of the United States; that in his opinion it would be inopportune and futile to hold two conferences at the same time upon this subject and that the logical body and place to deal with this matter is the Neutral Commission sitting in Washington whose prestige and susceptibilities should be carefully considered and to which the aforementioned powers could add their assistance if desirable; that even if diplomatic relations between Argentina and Uruguay were reestablished⁶¹ (which would make no difference in this instance) he would not desire that Montevideo be the seat of any such conference and that the position of Uruguay in this phase of the matter is the most delicate of all the Governments concerned as it is the only country in River Plate region represented on the Neutral Commission.

Repeated to Embassy at Santiago.

WRIGHT

⁶¹ See pp. 316 ff.

724.3415/2259 : Telegram

The Ambassador in Chile (Culbertson) to the Secretary of State

SANTIAGO, September 10, 1932—noon.

[Received 2:10 p. m.]

201. The representatives of the four neutrals sent the following telegram to their Governments today:

“At an impromptu meeting of the representatives of the neighboring countries and of Cuba, Colombia, Mexico and Uruguay with the Minister for Foreign Affairs, conversations proceeded on the Chaco problem, there being agreement that the crisis has reached its climax, and some thinking that war already is a fact.

As a result of the conversations we have received the impression that the four neighboring countries are in a position to attain an immediate formula to avert war; but we also believe that the neighboring countries would decide to intervene only in the case of a formal invitation from the Neutral Commission.

If this invitation should be issued, the neighboring countries would adopt the measures that they deem conducive to make concrete that formula which, once agreed upon among themselves, they would propose to the Neutral Commission.”

I was not present at the meeting referred to. I gather from informal conversations that the formula mentioned in the telegram is that the neighboring countries would inform Bolivia and Paraguay that they will not be permitted to go to war but I do not believe that anything concrete as to procedure has been agreed upon.

CULBERTSON

724.3415/2262 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, September 10, 1932—7 p. m.

[Received 9 p. m.]

89. From what Minister for Foreign Affairs told me this afternoon he intends stating to the Senate on Monday that Argentina will abide by its traditional policy of nonintervention. This declaration will undoubtedly be well received in Bolivia.

Minister for Foreign Affairs intends to initiate Congressional action for Argentina entry in [League] of Nations probably next Wednesday in Chamber of Deputies. He tells me both houses favor this and that he expects favorable action before adjournment end of September.

There is apparently no likelihood at present of declaration of neutrality or boycott by neighboring countries, the conversations carried on recently in Santiago having failed, it is intimated to me, because of Brazilian objections.

BLISS

724.3415/2321½

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] September 12, 1932.

Mr. Edwards of the Chilean Embassy called and read me a telegram from his Government which stated the desire of Chile to cooperate with the Neutrals and not to make their task more difficult and then set forth views along the same lines as those in telegram No. 201 of September 10, noon, from the Embassy in Santiago. The telegram also mentioned that the position of Chile was somewhat complicated by the shipment from the United States of airplanes to Bolivia via Arica accompanied by an aviator to help set up the airplanes and fly them.

With reference to the first point, I told Mr. Edwards that the Neutrals would welcome the cooperation of the neighboring countries and that for this purpose I would call a meeting for three o'clock tomorrow afternoon, if convenient to him, at which the representatives in Washington of the other neighboring countries would be asked to be present. Mr. Edwards said that he would be present.

With regard to the second point, I told Mr. Edwards that the airplanes were not provided by this Government. He said he appreciated that they were bought from commercial companies. I told him that we have no authority of law for stopping such shipments but that should the Chilean Government hold them up at Arica no complaint would be made by us. Mr. Edwards said that he would advise his Government in this sense.

F[RANCIS] W[HITE]

724.3415/2274a : Circular telegram

The Secretary of State to the Diplomatic Representatives in Argentina, Brazil, Chile, and Peru

WASHINGTON, September 13, 1932—6 p. m.

The Neutrals invited the representatives in Washington of Argentina, Brazil, Chile and Peru to meet with them this afternoon and inquired whether their Governments individually or collectively had any plan in connection with the Chaco. All except the Chilean stated they were without instructions whatsoever from their Governments. The Chilean had a cable from his Government stating the desire to cooperate with the Neutrals but requested a formal invitation to do so. The neighboring representatives were asked whether they would collaborate with the Neutrals in drawing up a joint message to Bolivia and Paraguay and to ask their Governments to

authorize them to take action with the Neutrals in the future without the delay involved in consulting their Governments. The Neutral representatives have all been doing this and prompt action has therefore been possible. In view of the urgency of the situation, with fighting going on in the Chaco, action of this sort would be much more effective than if it were necessary for each to consult with his Government and any verbal changes in any message agreed upon had to be discussed and referred to the Governments a second or more times. All were in agreement that this would be the most effective form of cooperation but did not wish to suggest it to their Governments. The Neutrals then gave each of the representatives of the neighboring countries a memorandum drafted and written during the meeting in the following terms:

The Neutrals have always felt that cooperation of the neighboring countries is useful in the work which is being carried on in order to avoid war between Bolivia and Paraguay. Persisting in this thought and considering that such cooperation would give good results if it is carried out by a sole source in homogeneous and simultaneous form, they formally invite the Governments of Argentina, Brazil, Chile and Peru, through their diplomatic representatives in Washington to collaborate with them in the form just expressed.

The Neutrals do not think that this will work any confusion of function. They desire for the Commission the cooperation of the neighboring countries in their plans and deliberations and in the hope of obtaining it declare that they will cordially appreciate it, and in view of the grave present situation of the Bolivian-Paraguayan conflict, they will be pleased to receive at the earliest possible moment suggestions or plans of the neighboring countries or of one or more of them.

STIMSON

724.3415/2214 5/5

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] September 13, 1932.

The neutral representatives invited the representatives of Argentina, Brazil, Chile and Peru, to meet with them on September 13. This memorandum is not designed to cover that meeting but merely one phase of it.

While the Colombian Minister was drafting the telegram which the representatives of the neighboring countries were being requested to send to their Governments, the Uruguayan Minister, Mr. Varela, said that it might be well to consider the possibility of preventing arms shipments to Bolivia and Paraguay; that I had made a very interesting statement to the Neutrals in this regard, and that he

would take the liberty of quoting me. He said that I had said that the United States would be disposed to take this action to cooperate with the other countries.

I immediately said that I was afraid the Uruguayan Minister had misunderstood what I had said. What I had told the neutral group was this:

There is no statute which authorizes this Government to prevent shipments of arms and munitions to Bolivia and Paraguay at the present moment. There is a statute which permits the President to declare an embargo on arms shipments to Latin American Governments when he finds a condition of domestic violence exists there. It was on this basis that we had put an embargo on arms shipments to Mexico some years ago and to Brazil two years ago, and to Nicaragua and Honduras, which latter two are still in effect.⁶² The present hostilities between Bolivia and Paraguay are disturbances and violence of an international character and not of a domestic sort and therefore are not, strictly speaking, covered by the statute. It is for this reason that we have no control over shipments to Bolivia and Paraguay but the disposition of this Government was shown by the statement which I made on the twelfth instant to Mr. Edwards of Chile, and some time ago to the Argentine Ambassador, namely, that if those countries should prevent the transit of this material across their territory there would be no complaint or representations made by this Government.

I added that I had further said in a meeting of the Neutrals that I personally, speaking as an individual, and not as representing the American Government, would be willing to recommend to the Secretary of State and to the President, if the other American countries should put on an embargo of arms to Bolivia and Paraguay, that we interpret the existing statute as permitting the issuance of an embargo here. I said that this very liberal interpretation of the statute I thought would be justified if the other American countries wanted to take this action and our failure to do so should make their action fail. Short of that, I was not inclined to think that we would be justified in giving the statute such a broad interpretation. I said that I was still ready to take that action but that they must realize that this means the initiative must come from elsewhere and not from this Government. This Government has no such request before it now.

⁶² Mexico, January 7, 1924, *Foreign Relations*, 1924, vol. II, p. 428; removed July 18, 1929, *ibid.*, 1929, vol. III, p. 432.

Brazil, October 22, 1930, see *ibid.*, 1930, vol. I, p. 443; removed March 2, 1931, see *ibid.*, p. 452, footnote 16.

Nicaragua, September 15, 1926, see *ibid.*, 1926, vol. II, p. 793.

Honduras, March 22, 1924, May 15, 1924, *ibid.*, 1924, vol. II, pp. 322, 324.

The Uruguayan Minister said that he would be prepared to make such a request. I told him it would have to come at least from the four neighboring countries as well, indicating that they were prepared in that case to stop shipments of arms through their territory to Bolivia and Paraguay, and not to make any such shipments themselves or permit shipments originating in other countries.

F[RANCIS] W[HITE]

724.3415/2272 : Telegram

The Secretary of State to the Minister in Paraguay (Wheeler)

WASHINGTON, September 14, 1932—noon.

42. Your 112, September 12, 7 p. m.⁶³ Chilean representative on September 12 read telegram from Chilean Foreign Office regarding selling of arms and sending of pilots to Bolivia. He was distinctly told that this Government has not and will not sell any arms whatsoever to Bolivia or Paraguay and that this Government is not informed of sales which may have been made by private individuals or companies. He was told, however, as was the Argentine Ambassador some time ago, that if Chile held up the transit of war material across its territory which had come from the United States this Government would not make any protest.

STIMSON

724.3415/2281 : Telegram

The Ambassador in Peru (Culbertson) to the Secretary of State

LIMA, September 14, 1932—2 p. m.

[Received 3:43 p. m.]

162. Chaco. Department's circular September 13, 6 p. m. 1. Foreign Office informs me definitely Peru will certainly accept invitation of Commission of Neutrals to collaborate as desired, that from the first day it has been Peruvian Government's desire to cooperate, and that it feels as a neighboring nation it has the practical means of making the representations of the Commission of Neutrals to the disputant countries more effective. Freyre has not yet been instructed but will be shortly. New Foreign Minister busy today returning official calls.

2. Foreign Office expresses regret at upset in Chile, saying a cordial accord had been effected with the Chilean Government and with Argentina, that the attitude of the new Chilean Government was not

⁶³ Not printed.

yet known, and that the arrangements arrived at, as expressed in the Buenos Aires agreement of August 6th⁶⁴ and the later agreements in Santiago may be affected.

3. Foreign Office states that any plans or suggestions will be immediately communicated via Freyre or this Embassy and the Chaco situation continues to receive its close attention.

DEARING

724.3415/2280 : Telegram

The Ambassador in Brazil (Morgan) to the Secretary of State

RIO DE JANEIRO, September 14, 1932—3 p. m.

[Received 3:30 p. m.]

106. Department's circular September 12 [13], 6 p. m. Foreign Minister cordially approves Neutrals' memorandum and will instruct Brazilian Ambassador to agree to and work under its terms.

MORGAN

724.3415/2502

The Argentine Ambassador (Espil) to the Chairman of the Commission of Neutrals (White)

[Translation]

WASHINGTON, October 18, 1932.

YOUR EXCELLENCY: I have read with interest the communications exchanged between the Commission of Neutrals and the Council of the League of Nations⁶⁵ which Your Excellency has had the kindness to transmit to me.

I am informed thereby that the Governments of Bolivia and Paraguay have agreed to the sending of a Commission by the Neutrals to the theater of hostilities and that this Commission will leave as soon as the situation renders it advisable.

Of course I do not know what the functions of this Commission will be and I am in doubt whether the Commission of Neutrals still maintains its idea, expressed in the telegram of September 22 last,⁶⁶ authorizing it to verify the actual termination of hostilities, and whether, on the basis of its report that one of the parties had violated the agreement to terminate the struggle, the Commission of Neutrals would declare that that country is the aggressor and would suggest to all the Governments of America the withdrawal of their diplomatic and consular representatives accredited to the said country.

In case the Commission of Neutrals holds to this idea, I believe it

⁶⁴ *Ante*, p. 168.

⁶⁵ See pp. 238-239.

⁶⁶ *Ante*, p. 93.

to be my duty to inform it, with all frankness, of the point of view of our Government in this matter.

Our Chancellery being informed of the telegram from the Commission of Neutrals of September 22, to which I have just referred, reminds me that its attitude was confined, in accordance with the express instructions which the undersigned received at the opportune time, to formulating the wish that in America territorial disputes should not be settled by force. The statement of the said initial concept was due principally to the fact that our country was not a member of the Commission of Neutrals.

Furthermore, when our Chancellery learned that the declaration was thought pertinent that territorial acquisitions secured by force should not be recognized and it was invited to formulate this doctrine if it considered it proper, it understood that a principle was involved which meant nothing new, since it was consecrated in Article 10 of the Covenant of the League of Nations, and that it was not new, either, for the countries of South America, because of the *uti possidetis* of 1810 which was the expression of respect for territorial integrity based on the delimitations of the Colonial regime, whether as possessions *de jure* or *de facto*. The necessity for respecting this same territorial integrity had also been recognized and insured in the successive Spanish-American Congresses, from the Congress of Panama in 1826 through the Congresses of Lima in 1847 and 1864 and the Continental Treaty of 1856.

Then, when in the recent Manchurian dispute, the United States, in its communication to the disputant countries, declared that it would not recognize the forcible taking possession of Chinese territories, a declaration confirmed by the Secretary of State, Mr. Stimson, in his letter to Senator Borah of February 23, 1932,⁶⁷ it made such statement not only in reaffirmation of an old Pan American tradition, but in reiteration of a principle already consecrated in the Covenant of the League of Nations.

Our Chancellery also thought that the formulation of a rule of conduct of such a character could only receive its adherence when it was the expression of a united movement of the whole continent with a pacific aim, the sanction and efficacy of which were based exclusively on the weight of public opinion in all the countries of America, it being understood that only moral pressure would be involved, supported by the juridical effects of the common neutrality of the limitrophe countries within the strict application of the Hague Conventions and others which govern in the matter, which, due to the

⁶⁷ For text, see telegram No. 50, February 24, 1932, to the Consul General at Shanghai, *Foreign Relations, Japan, 1931-1941*, vol. I, p. 83.

particular geographic circumstances, would have especial significance. Thus, my Chancellery meant to fix the extreme limit to its action, and, in the absence of a legal instrument which could extend it beyond the scope of good offices and moral compulsion, it initiated and signed with the limitrophe countries the Declaration of August 6⁶⁸ in which express and deliberate mention was made of the Covenant of the League of Nations, reminding Bolivia and Paraguay that they had signed it and that under it they had correlative obligations.

If I review these antecedents it is for the purpose of stating that the Argentine Chancellery will not go along with the Commission of Neutrals in any act which, extending beyond the limits of good offices and the moral influence of the opinion of all the Continent, might approximate an intervention, even though it should be merely a diplomatic one, inasmuch as such an attitude would be contrary to Argentine traditions and doctrines and even if it were a collective intervention of all the countries of America, it would be wanting in any legal instrument which alone, signed and ratified by the countries to which it is intended to apply, could justify a participation of a coercive character in harmony with the basic principles of International Law and its own attitudes of the past, which it would not forget in any case.

This exact and well defined line, which our Chancellery has followed without any hesitation in the face of the grievous conflict which is disturbing the peace between the two neighboring countries, if it should have to be demonstrated outside the natural reserve of the diplomatic proceedings which may have rendered a clear perception of it difficult, has its substantiation in the study and examination already made in various Chancelleries of the American nations and, among them, that of the United States. I refer to the consideration of the advisability of establishing, not only for the present Bolivian-Paraguayan conflict, but for the future, an instrument of peace or anti-war pact which, linking up that of the League of Nations with others of a similar nature existing in the world, would tend to insure the reign of peace in a regime of conciliation not annulling but complementing and harmonizing all existing agreements. Your Excellency knows, since it has been submitted to the Chancellery of the United States, such draft of a non-aggression and conciliation pact formulated by my Government, by which any diplomatic or military intervention is expressly excluded. The time at which that draft was drawn up (June 1932) shows that my Chan-

⁶⁸ *Ante*, p. 168.

cellery has not changed the line of action which it mapped out for itself and has followed in view of the Bolivian-Paraguayan conflict and that this attitude can not cause surprise to the Chancelleries of other countries which have known for some time past the doctrines and principles set forth in the draft referred to.

The Argentine Chancellery understands then that adoption of coercive measures can be based only on a Treaty accepted beforehand by the countries to which it is to apply, as is the case with the League of Nations Pact, and that a mere Declaration like that of August third is not sufficient to produce comminatory effects against third powers.

I would be very grateful to Your Excellency if you would advise the Commission of Neutrals of these views which indicate the limit of our cooperation, without, however, interrupting in any manner the continuity of the action which my Government has been taking in the noble efforts for peace which the countries of the continent are making.

I take pleasure [etc.]

FELIPE ESPIE

724.3415/2441a : Telegram

*The Secretary of State to the Minister in Paraguay (Wheeler)*⁶⁹

WASHINGTON, October 20, 1932—6 p. m.

44. Department learns that Argentine Government is representing to Paraguayan Government that Chaco questions should be taken from Neutral Commission as it shows its ineffectiveness by not forcing Bolivia to accept its suggestion of 12th instant to enter into negotiations with Paraguayan delegate in Washington for separation of troops in Chaco, demobilizing reserves, limiting regular forces and submitting fundamental question to arbitration. Department understands that Paraguayan Government is considering withdrawing its delegation from Washington next week if Bolivia does not accept proposal of 12th instant. In order to protect source of information Paraguayan authorities should not know that you get this information from Washington.

In this connection Argentine Ambassador under instruction of his Government yesterday wrote note to Neutral Commission charging it with adopting minatory attitude toward parties in its suggestion of September 22⁷⁰ and saying that Argentina would not cooperate in such measures. Of course Commission has made no such threats as alleged.

STIMSON

⁶⁹ Sent also to the Minister in Bolivia as telegram No. 44.

⁷⁰ *Ante*, p. 93.

724.3415/2442 : Telegram

The Minister in Paraguay (Wheeler) to the Secretary of State

ASUNCIÓN, October 21, 1932—3 p. m.

[Received 6:20 p. m.]

135. Your telegram No. 44, October 20, 6 p. m. I do not believe such a representation has been made to the Government here unless by way of the Argentine Ambassador in Washington and Soler. Soler several days ago called expressing the opinion that the neutrals were powerless to accomplish anything further and recommending that he might be recalled to Asunción in order that Paraguay might have her hands free but a reply was sent him that this would not be done. Both the President and the Minister for Foreign Affairs have assured me several times in the past few days, the President as recently as this morning, that there is no intention of withdrawing the delegation from Washington. This Government has no faith in the League's ability to settle the present dispute and was greatly disappointed at the makeup of its special committee, especially at the selection of Madariaga. It counts Spain as wholly without influence in South America and is angered at the fact that the Spanish military mission remains in Bolivia.

The opinion prevails here however that the neutrals are without authority and that nothing is to be expected from them. Yesterday a committee of the opposition party visited the President to express the opinion and to demand that the war be prosecuted without further reference to the neutrals' suggestions.

During the past month the Government's faith in the neutrals' ability to bring about a solution has greatly diminished and Ayala has returned to his conviction that a settlement without the active participation either of the four neighbor powers or of Argentina will be impossible. He believes that if the neutral powers, with the approval of the League, would request Argentina, as being the neighbor country most nearly interested in the controversy, to study the situation and suggest a concrete plan of procedure, it would furnish her with the opportunity she really desires. A telegram has been sent to Soler containing this suggestion with instructions to broach it to you if an opportunity offers.

WHEELER

724.8415/2414 7/8

*Memorandum by the Chairman of the Commission of
Neutrals (White)*

[WASHINGTON,] October 22, 1932.

The Argentine Ambassador called and discussed with me his note to me as Chairman of the Neutral Commission dated the 18th instant. He told me very confidentially that he had changed the note considerably from the way he was instructed to send it as not to do so would have caused even greater resentment than he presumed the note even in its present form had caused. There was one word which he had changed inadvertently and he would like to have it rectified because he feels that he will now be in open break with his Minister for Foreign Affairs and he does not want the latter to have any hold on him. I asked him to send me a memorandum asking that this be changed as a typographical error had occurred. I told him that this change would cause less comment if made in a memorandum, as a copy had already been sent to the Neutrals, than if I merely told the latter that Mr. Espil had personally requested that the change be made. He said that he would do so.⁷²

He showed me cables from his Government indicating very considerable uneasiness on the part of Saavedra Lamas because of a United Press cable stating that the Neutrals had a long meeting to discuss the Argentine note. The cable asked Espil to try to avoid resentment on the part of the Neutral Commission on account of the note.

Mr. Espil said that he had changed very largely the note with regard to the authorship of the declaration of August 3 and also very materially the paragraph relating to Secretary Stimson's position with regard to Manchuria. He had also left out entirely some references which had been made to the Drago doctrine.

I asked Mr. Espil why, if Saavedra Lamas was again taking so much pride in the August 3 declaration that he had incorporated a lot of statements regarding the authorship thereof in his note which Espil had said had been omitted by him, Saavedra Lamas does not ask the American nations to join with him in calling this doctrine to the attention of Peru and Colombia in their present conflict over Leticia.⁷³ I said that that would give him a chance to take the initiative in an important matter. I told the Ambassador to think over

⁷² Mr. Espil's memorandum, dated October 25, not printed; the corrections requested therein have been incorporated in the note of October 18 as printed on p. 203.

⁷³ See pp. 270 ff.

whether he wanted to make such a suggestion as this to Saavedra Lamas or not. Mr. Espil said that as Argentina does not border on either Colombia or Paraguay [*Peru*] he thought perhaps Saavedra Lamas might do so and that he would think the matter over over the weekend. He was going to be out of town but would come on Tuesday morning and discuss the matter.

F[RANCIS] W[HITE]

724.3415/2502

The Commission of Neutrals to the Argentine Ambassador (Espil)

[Translation]

WASHINGTON, November 4, 1932.

EXCELLENCY: The Commission of Neutrals has received your note of the eighteenth instant [*ultimo*] in which you advise it of the point of view of the Argentine Government and the limit of the cooperation which may be expected from it in endeavoring to bring about the termination of hostilities unhappily existing between Bolivia and Paraguay.

This note seems to indicate that there is a misconception on the part of your Government regarding the proposal made by the Neutral Commission to the Governments of Bolivia and Paraguay on September 22 last. It is noted that your Government states that it will not go along with the Commission of Neutrals in any act which, extending beyond the limits of good offices and the moral influence of the opinion of all the continent, might approximate an intervention, even though merely a diplomatic one, and that participation of a coercive character by Argentina could only be with respect of a legal instrument signed and ratified by the countries to which it is intended to apply.

In the proposal of the Commission of Neutrals to Bolivia and Paraguay of September 22 the Commission appealed to those countries to accept an unconditional termination of hostilities and immediate negotiations for the settlement of their differences by means of arbitration without reservation. This proposal was made in the interest of lasting peace. It provided not only for the immediate termination of hostilities but for the peaceful settlement once and for all of the long standing dispute between those countries. Furthermore, in order to give some assurance to the two parties in dispute, over and above the engagement of the other party, that there would be no renewal of hostilities while the question was being submitted to arbitration, the Neutral Commission stated that immediately upon the acceptance of this proposal it would send a delegation to the

Chaco to verify the effective termination of hostilities and the Neutral Commission advised both parties that if this delegation informed it that one of the parties had violated the engagement to terminate the armed conflict the Neutral Commission would declare that country to be the aggressor and would suggest to all the countries of America that they withdraw from that country their diplomatic and consular representatives.

This proposal was not a threat expressed or implied because for the action mentioned to be taken the proposal would first have to be accepted by the two countries in dispute and they would accept it knowing in advance what action the Neutral Commission would take should either party violate its engagement regarding the termination of hostilities. While the acceptance of this proposal would not constitute an instrument signed and ratified by the countries to which it is intended to apply, it would nevertheless be an agreement equally effective for those two countries. The Neutral Commission feels that the interests of peace and the broader concepts of humanity do not require them to withhold proposals looking to the cessation of fighting until an instrument to which the two contending countries are parties has been ratified by them. Any agreement which both contending parties may find acceptable for the termination of hostilities is just as serviceable as a duly ratified agreement. As stated above, the fact that it would be agreed to in advance by the two parties in conflict removes any possible feeling that it is based on a threat and that other countries by supporting it must assume a minatory attitude towards the parties to the dispute.

The Commission of Neutrals has not been put in possession of the pacifist instrument or anti-war pact which you state your Government drew up in June, 1932. It learns that in a note which you addressed to the United States Government on September 21⁷⁴ you transmitted a copy of a pact which you stated had been drawn up by the Argentine Government in order to propose it to the countries which have signed the agreement of August 3, 1932. The Neutral Commission understands that this pact has also been submitted to certain other Governments but it has not been presented to the Neutral Commission which therefore can have no observations to make with respect of it.

In this general connection, however, the Commission of Neutrals considers that it should frankly state that it feels that the American nations would not be fulfilling fully their duties as members of the family of American States if they did not exert unmistakably and

⁷⁴ *Post*, p. 261.

unequivocably their full efforts on behalf of peace. The limitation of their action in international controversies to instruments signed and ratified by the parties in dispute would seriously hamper efforts for peace in this hemisphere and would open wider the doors for settlement of differences by war or by force of arms.

International law and procedure is fortunately not in an impotent state of stagnation. It is alive and vascular and is constantly advancing. Until recently war was recognized as one of the unfortunately usual means of settling differences between nations and elaborate rules were drawn up governing the conduct of combatants and neutral nations. The entry into effect of the Pact of Paris (Kellogg-Briand Pact)⁷⁵ has made necessary the reexamination of many formerly existing precepts of international law in the light of the doctrine now approved by almost universal acceptance. By their declaration of August 3, 1932, nineteen American nations not only reaffirmed this principle, but extended it by stating that they would not recognize the validity of territorial acquisitions which may be obtained by occupation or conquest by force of arms. This deliberate declaration by nineteen American States of the policy by which each of them proposes to be governed in future can not be treated as lacking in weight or effectiveness. On the contrary, considering the serious circumstances under which it was made, it must be considered as of the most solemn character, carrying with it the faith of each signatory, and as of quite as much weight as instruments of more formal execution. While this declaration unfortunately has not yet resulted in stopping hostilities in the Chaco (and in this connection agreements ratified by the two parties had no greater effect), it nevertheless did serve to put those two Governments on notice that the only settlement of the Chaco question that would be recognized by the other countries of America is a settlement brought about by peaceful means.

An effective rule of international procedure does not always come into being fully grown, but arrives at its greatest prestige through a period of growth starting often from the mere sowing of an idea which acquires force and vigor through its appeal to the imagination of the peoples of the countries of the world. The fact that it may not prove immediately as effective as the authors desire should not be a source of discouragement. If it has a lofty aim it will grow in effectiveness until eventually no one will dare gainsay it. It is for this reason that the Commission of Neutrals does not feel that action should be limited to treaties already signed and ratified and it is for

⁷⁵ *Foreign Relations*, 1928, vol. I, p. 153.

that reason they did not hesitate to sponsor the declaration of August 3, 1932.

Another proposal of the Neutral Commission was that both Bolivia and Paraguay should return to their lines of occupation of June 1, 1932, and then agree to negotiate for a peaceful settlement of their differences. Two important considerations prompted the making of this suggestion. First of all, it recognized no occupations by force of arms since this question has been before the Neutral Commission, and, by obliging both countries to maintain the line of possession of June 1, 1932, it would prevent any retaliation or attempt to regain by force of arms possessions which had been taken from either party in the recent encounters. The sanguinary events of the last six weeks have unfortunately justified the appositeness of this proposal of August 2.⁷⁶ Had it been accepted the recent bloodshed would have been avoided.

Again on September 22, in an attempt to stop this internecine conflict, the Neutral Commission made a further suggestion looking toward a peaceful settlement and, as set forth above, any charge of threatening action by the Commission is as groundless in this case as in a previous one some weeks ago which on another occasion was acknowledged by the Minister of Foreign Affairs of Argentina to be without foundation.

If there is one thing patent in all these negotiations it is the patience, loyalty and personal disinterestedness with which the Neutral Commission has dealt with this complex and trying problem. The Neutral Commission will continue as it has in the past to endeavor to find a solution satisfactory to both contending parties in this controversy. It will exert every influence possible for the reestablishment and preservation of peace and when the situation will require it it will not hesitate to consult the other American nations in order that it may leave unexplored no proper road to peace. The Commission of Neutrals confidently hopes that when the occasion arises it will then find the Argentine Government, in view of what has been expressed above, ready to participate in such efforts for peace as the countries of the continent in consultation may judge necessary.

Accept [etc.]

For the Commission of Neutrals:

FRANCIS WHITE

Chairman, Commission of Neutrals

⁷⁶ See telegram of August 2 from the Commission of Neutrals to the Bolivian Minister for Foreign Affairs, p. 51.

724.3415/2521 : Telegram

The Minister in Bolivia (Feely) to the Secretary of State

LA PAZ, November 17, 1932—noon.

[Received 11:17 a. m.]

122. I am reliably informed that Argentine Minister for Foreign Affairs has recently intimated to prominent Bolivians in Buenos Aires including Dr. Escalier, close friend of President Salamanca, that his Government would be glad to mediate in direct negotiations to be held in Buenos Aires and that Bolivia would be assured of a suitable port on the Paraguay River before entering into the negotiations.

FEELY

724.3415/2571

The Argentine Ambassador (Espil) to the Chairman of the Commission of Neutrals (White)

[Translation]

WASHINGTON, November 19, 1932.

YOUR EXCELLENCY: In accordance with instructions which I have received from my Chancellery, I address myself to Your Excellency in reply to the communication of the fourth instant to this Embassy from the Commission of Neutrals.

It has been very gratifying to the Argentine Government to be informed that the proposal formulated on September 22 by the Commission of Neutrals—in which proposal it expressed the intention of inviting all the nations of the Continent to formulate a joint declaration which would characterize the country which refused immediate cessation of hostilities in the Bolivian-Paraguayan conflict and unconditional submission to arbitration, as the aggressor, under the coercive force of suggesting to all American governments that they withdraw their diplomatic and consular representatives from such country—does not involve, in the sense in which that proposal was submitted, a threat, either explicit or by implication, since before it could be adopted, acceptance by the two contending countries had to be counted upon.

There is, thus, cleared up, for my Government, one fundamental point which gave rise to the observations contained in the note of October 18 from this Embassy to the Commission, and my Government is pleased to be informed of the interpretation of the text of the telegram of September 22, an interpretation which it was not easy to perceive clearly as the text read, on the hypothesis that a

measure which appeared to be one of coercion was contingent upon previous acceptance by the parties at which it appeared to be directed.

My Government is also glad to concur in the opinion of the Commission of Neutrals that the interests of peace and the broadest humanitarian ideas do not oblige it to hold back the proposals, directed to terminating the struggle which has arisen between the two countries in conflict, until they have ratified a legal instrument to which they are parties.

It was, without doubt, because of concurring in these ideas that from the first moment my Government took part in the movement for peace which culminated in the declaration of August 3, and made such full contribution, that there will remain, as an honorable testimony of its cooperative action, the telegram which, on the 8th of August, 1932,⁷⁷ bearing the signatures of all the members of the Commission of Neutrals, was addressed to our Chancellery, with the final declaration:

"In informing Your Excellency of our action in execution of the declaration of America of the 3rd instant which your country has supported with its high authority, we are sure that we have proceeded in harmony with the true interests of both countries in conflict, the permanent interests of the Continent and the thought and intention of Your Excellency's Government".

The confidence expressed by the Commission of Neutrals that Argentina will always be disposed to take part in the efforts which, on behalf of peace, the countries of the Continent may consider necessary to make in common accord is therefore well founded, and I can assure Your Excellency that this hope will in no case be betrayed.

My Government regrets that it does not similarly concur in the opinion expressed by the Commission of Neutrals when it attributes to its laudable work for peace and to the efforts which culminated in the declaration of nineteen American states, the same force and efficacy which an instrument might have which would lend effective operation to so noble a purpose.

The grievous spectacle of the continuance of the bloody conflict between Bolivia and Paraguay, in spite of the said declaration and of the efforts which we have all made, seems to afford sufficient proof that, when the influence of moral opinion does not suffice, because of the obstinacy of the countries in conflict, before entering upon the plane of practical and effective coercion to the end of imposing the purpose of peace, however lofty such purpose may be, it is necessary to give it the foundation of a legal instrument investing the action

⁷⁷ Not printed.

carried out in that sense with a real force with which only a legal basis can endow it.

Precisely because it concurs in the opinion of the Commission that a project for international conduct is not always born perfectly developed from its beginnings, the Argentine Government has formulated an anti-war pact⁷⁸ complementary to the various instruments of peace which avoids, for the future, the unhappy impotence in which we find ourselves to impose, by legal means agreed to and sufficient, the sovereignty of peace in America.

The Commission of Neutrals states that it can not judge of the project referred to, because the project has not been sent to it, and the Commission only knows that it has been submitted for study to some American chancelleries. My Government will take great pleasure in bringing it to the hands of the Commission, but it was logical that in the official procedure the project should be addressed to the chancelleries, as it is well known that the Commission of Neutrals lacks political power, not being an international person qualified to deliver itself authoritatively regarding it, but merely an assemblage of friendly countries joined together in an action of the highest order, a high purpose of peace which does honor to them, as well as to us other American nations who have gone along with them, an assemblage, however, the extent of whose action is rigorously limited to that of good offices.

It would therefore be almost unnecessary to add that within the harmony of views pointed out, the Argentine Government will always be disposed to lend its collaboration, as it has done from the first moment, to every effort which may be made to restore peace to the relations between Bolivia and Paraguay, since the grievous consequences of those relations have serious repercussions on its situation as a neighboring country, causing expenses and constant anxieties which place my country in a unique position, circumstances which will cause it to lose no opportunity which may present itself [and]^{78a} to take the initiative which it may believe opportune, to contribute to the termination of a struggle so unhappy between two sister nations.

My Government being keenly aware of the lofty spirit which inspired the Commission of Neutrals during all its work, and brought about the consecration of principles which do honor to the Commission as well as to all the American countries which have subscribed to these principles, does not for one moment believe that it has ever had any idea of obstructing, in any case, action designed to bring about concord and international peace which other existing organisms

⁷⁸ See pp. 260 ff.

^{78a} Brackets appear in file translation.

may develop, and it is convinced that the latter will have, for that purpose, the full liberty of action which may be necessary to them to put an end to a war which may well be called fratricidal. In this sense, my Government believes that the League of Nations has in this emergency a field of action indicated by the will of the contending parties themselves, who are signatories of the constituent covenant of the League, and that while it works within the purpose with which we all are inspired, we are also in agreement that it can and ought to develop its action without finding an obstacle in regional or continental doctrines concerning which, on our part, we see the necessity of pointing out that they have not had Argentine adhesion nor a consecration established by the unanimous will of the countries of the Continent.

I take pleasure [etc.]

FELIPE ESPIL

724.3415/2626a : Circular telegram

*The Secretary of State to the Diplomatic Representatives
in Certain American Republics*⁷⁹

WASHINGTON, December 15, 1932—2 p. m.

Commission of Neutrals today made long detailed proposal to Bolivian and Paraguayan Governments for stopping hostilities and definitive settlement of Chaco dispute.⁸⁰ Proposal was made after long patient negotiations with delegates of both parties and is result of mature thought and is eminently fair and just to both parties to the dispute and offers an honorable means of terminating hostilities at once and finally disposing of this troublesome question.

The Commission of Neutrals has telegraphed the text of this suggestion to all the American Governments requesting that they cable the Ministers of Foreign Affairs of Bolivia and Paraguay supporting the proposal. Please discuss the matter at once with Minister of Foreign Affairs and urge discreetly that he send telegrams to the Governments of Bolivia and Paraguay at the earliest possible moment supporting the proposal in as strong terms as possible.

STIMSON

⁷⁹ Argentina, Chile, Costa Rica, Dominican Republic, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, and Venezuela.

⁸⁰ *Ante*, p. 126.

724.3415/2626a Supp. : Telegram

The Acting Secretary of State to the Ambassador in Brazil (Morgan)

WASHINGTON, December 19, 1932—6 p. m.

97. Department's circular December 15th. What action is Brazilian Government taking? Brazilian and Honduran Governments are the only ones which so far have not advised Neutral Commission of their wholehearted support.

CASTLE

724.341526/26a Supp. : Telegram

The Acting Secretary of State to the Minister in Honduras (Lay)

WASHINGTON, December 19, 1932—6 p. m.

59. Department's circular December 15th. What action is Honduran Government taking on request of Neutrals to support their proposal to Bolivia and Paraguay?

CASTLE

724.3415/2668 : Telegram

The Minister in Honduras (Lay) to the Secretary of State

TEGUCIGALPA, December 20, 1932—10 a. m.

[Received 2:40 p. m.]

114. Minister of Foreign Affairs told me yesterday he had telegraphed Paraguayan and Bolivian Governments supporting proposal of Commission of Neutrals and would telegraph to Mr. White accordingly.

LAY

724.3415/2666 : Telegram

The Ambassador in Brazil (Morgan) to the Secretary of State

RIO DE JANEIRO, December 20, 1932—3 p. m.

[Received December 20—1:10 p. m.]

128. Department's telegram 97.⁸¹ Brazilian Government telegraphed Bolivian, Paraguayan Foreign Ministers Saturday, December 17, in the sense you desired.

MORGAN

⁸¹ December 19, 6 p. m.

724.3415/2810

The Minister in Paraguay (Wheeler) to the Secretary of State

No. 556

ASUNCIÓN, December 29, 1932.

[Received January 23, 1933.]

SIR: With reference to your telegram No. 59 of December 15, 1 p. m.,⁸² concerning the latest proposal made to the Governments of Paraguay and Bolivia by the Neutrals, I have the honor to report that today the Brazilian Minister called upon me to request me to inform you that, although the Foreign Office at Rio de Janeiro had instructed him by cable to support the Neutrals in the matter, to his regret the message was received by him after the Paraguayan Government had sent its formal reply.

Respectfully yours,

POST WHEELER

724.3415/2717b : Telegram

The Commission of Neutrals to the Ministers for Foreign Affairs of Argentina, Brazil, Chile, and Peru

[Translation]

WASHINGTON, December 31, 1932.

In reply to the proposal of the Neutral Commission of December 15⁸³ the Government of Bolivia stated⁸⁴ that it accepted in principle the main points of the proposal as a basis of discussion to arrive at an arrangement which might assure peace and that in the course of the negotiations either party might bring forward its observations in order to safeguard its rights. The representative of Bolivia, in consequence, stated that he was ready to renew on that basis the negotiations under the good offices of the Neutral Commission.

The Paraguayan Government stated⁸⁵ that it considered the neutral proposal unacceptable because it left the Bolivian army in the middle of the Chaco while the Paraguayan army was obliged to abandon the Chaco completely. Paraguay also considered that the proposal did not give guarantees to avoid new incidents nor for the solution of the litigation. The Neutrals pointed out to the Paraguayan Government that Article 8 of proposal definitely stated that nothing in arrangement proposed affects in any shape or form juridical position or the rights of either party and that Neutral Commission was not operating as a tribunal nor deciding regarding alleged rights

⁸² Not printed.⁸³ *Ante*, p. 126.⁸⁴ *Ante*, p. 131.⁸⁵ *Ante*, p. 129.

nor examining titles, which were questions within competency of arbitral tribunal mentioned in Article 10 of proposal. Neutrals pointed out they were simply indicating an honorable and decorous procedure in order to terminate immediately hostilities and to submit the Chaco question to arbitration and that the proposal states clearly that the lines established for the withdrawal of the forces and for the policing of the territory are merely devices to this end and do not change or affect in any manner the juridical status of the parties. The Paraguayan Government insisted that no real guarantees were given. Neutral Commission pointed out that Paraguayan Government four months ago accepted the line of June 1st for the cessation of hostilities and pointed out how contradictory now is Paraguay's position considering insufficient the withdrawal of Bolivian forces beyond the Ballivián-Vitrones line. Proposal of December 15 offers Paraguay a guarantee of security much more effective than line of June 1st, namely an evacuation of a much more considerable portion of the Chaco, reenforced by the presence of a neutral commission and by the obligation of immediate arbitration. Paraguay persisted in this point of view and withdrew temporarily its delegates.

Proposal of December 15 has been recognized by your Excellency's Government and by all the other Governments of America, as well as by the League of Nations,⁸⁶ as being a just and honorable one. It is inadmissible, therefore, that a peaceful solution of this conflict cannot be found. To continue fighting when such a fair basis of negotiation and settlement is offered will be condemned most severely by history. Proposal offers a separation of troops to such a great distance that they cannot possibly come into contact. In this connection it will be noted that the Paraguayan Government on September 16 itself suggested the withdrawal of its troops to the Paraguay River, a suggestion identical to that contained in the neutral proposal. Provision is made for the policing of the territory which prevents clashes between the two forces. The lines established both for the policing of the territory and for the withdrawal of the forces are definitely stated to be devices for bringing about and maintaining peace and preventing hostilities and do not affect the juridical situation. Provision is also made for taking the matter to arbitration on a procedure which, when once agreed upon, will proceed automatically to its solution.

The Bolivian Government expresses its readiness to discuss a solution on this basis. The Paraguayan Government has withdrawn its delegation temporarily. In these circumstances the Neutral Commis-

⁸⁶ See p. 257.

sion desires to know what steps Your Excellency's Government is prepared to take in order to bring about peace between those two countries. If the countries of this hemisphere will work together, peace can be reestablished. There is no justification for continuation of fighting and the loss of innocent lives when a just and fair way out is offered. The Neutral Commission will very much appreciate a prompt reply from Your Excellency. A similar request is being made of the other Governments bordering on Bolivia and Paraguay.

WHITE,
President
 VARELA
 LOZANO
 CAMPOS-ORTIZ
 BARÓN

III. COOPERATION OF THE LEAGUE OF NATIONS WITH THE COMMISSION OF NEUTRALS ⁸⁷

724.3415/1909 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, August 1, 1932—2 p. m.
 [Received August 1—12:55 p. m.]

225. The European press this morning stated that the President of the Council ⁸⁸ had despatched telegrams to the Governments of Bolivia and Paraguay in the matter of the Bolivian-Paraguayan dispute, the statements conveying the intimation that the Council had "intervened".

I learned from the Acting Secretary General (Sugimura) that the foregoing is not precisely the case. I find, however, that beginning with the date July 21 certain correspondence has taken place between the League and the two Governments parties to the dispute. This correspondence consists in the order of the dates:

1. Letter from the Bolivian delegate ⁸⁹ to the Secretary General citing certain acts of military aggression. "This letter was transmitted to the delegate of Paraguay",⁹⁰

⁸⁷ For League of Nations documentation concerning the dispute between Bolivia and Paraguay, see League of Nations, *Official Journal*, 13th Year, Nos. 9, 11, 12 (September, November, December, 1932), pp. 1574-1586, 1760-1761, 1993-2000.

⁸⁸ José Matos, Guatemalan representative on the League of Nations Council and President in office of the Council.

⁸⁹ A. Costa du Rels.

⁹⁰ R. V. Caballero de Bedoya.

2. Letter from the delegate of Paraguay denying the allegations of Bolivia and making counter charges;

3. Letter from the President of the Council to the Secretary General deploring the situation and expressing the hope that the efforts being made by American states to settle the matter may be successful and requesting the two Governments to assist these efforts (this letter the Acting Secretary General has forwarded to the delegates of Bolivia and Paraguay and it is understood that they are telegraphing it to their Governments);

4. A letter from the representative of Paraguay citing further aggressive acts on the part of Bolivia.

No action has yet been taken either through an "appeal" by Bolivia or Paraguay or by "request" by state member of the League whereby the Council is yet "seized" of this matter.

This entire exchange of correspondence has been strictly confidential and made available only to members of the Council. The League policy in this is not to intervene or to take steps which might interfere with measures already being taken by American states.

The Acting Secretary General stated to me informally that he would appreciate any information on the matter which the United States Government might desire to furnish.

I am mailing today the correspondence cited and I would appreciate instructions as to whether texts of this or further pertinent correspondence are desired by telegraph.

GILBERT

724.3415/1942 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, August 3, 1932—7 p. m.
[Received August 3—2:10 p. m.]

228. 1. A communication from the Bolivian Government to the President of the Council in reply to the communication described under paragraph 3 of Consulate's 226, August 2, 4 p. m.,⁹¹ denies allegations made by Paraguay, adduces Bolivia's historical claims to disputed territory, and completely ignores request regarding Paraguay's proposal for arbitration and also the request as to what pacific means of settlement Bolivia is ready to accept.

2. I orally communicated to Dufour-Féronce, Acting Secretary General, contents of Department 105, August 2, 5 p. m.⁹²

⁹¹ Not printed.

⁹² Not printed; it informed the Consul of the present activities of the five neutral countries.

3. In conversation with me Dufour-Féronce reaffirmed League policy as being opposed to intervention in dispute in view of mediatory action under way by American states. He said that the communications between the League and the disputants were necessary as the League could not wholly "ignore" such a situation between League states. He does not anticipate any League states invoking League action except perhaps one of the disputants. He hopes that neither Bolivia nor Paraguay will take action but mentioned that for obvious reasons it would be improper for any League authority to intimate to them that they should not do so. Should either formally invoke the Covenant⁹³ there would be no recourse but for the Council to act.

4. Dufour-Féronce appreciates fully the desirability of the United States Government being currently informed respecting the League's relations with Bolivia and Paraguay. He feels that this information should be conveyed to me on a strictly informal basis and regarded as confidential in order to obviate misleading speculations. In a sense the material furnished is not confidential as it is impossible to keep material transmitted to members of the Council from the press.

5. I would appreciate being informed for my guidance Department's attitude respecting policy set forth in preceding paragraph.

GILBERT

724.3415/2067a

*The Assistant Secretary of State (White) to the Minister
in Switzerland (Wilson)*

[Extract]⁹⁴

WASHINGTON, August 15, 1932.

DEAR HUGH: A couple of nights ago the Secretary and I were discussing the Bolivia-Paraguay problem and he suggested that it might be well to let you have some of the background in order that you might advise Drummond thereof, with a view to staving off any independent action on the part of the League in the matter. We of course understand that if either Bolivia or Paraguay makes a request of the Assembly, when it meets next month, to study the matter, it will have to do so.

⁹³ *Treaties, Conventions, etc.*, 1910-1923, vol. III, p. 3336.

⁹⁴ The omitted portion of this letter summarizes correspondence printed under sections entitled "Good Offices of the Commission of Neutrals" and "Efforts of the Commission of Neutrals to Obtain the Cooperation of the ABCP Republics," pp. 8 ff. and 136 ff.

The story is as follows:

On December 5, 1928, there was a clash in the Chaco at a fort called Fortín Vanguardia. This was a Bolivian fort and was destroyed by the Paraguayans. Hostilities were imminent. On December 10, 1928, the Pan American Conference on Arbitration and Conciliation opened and it seemed to all of us to be most anomalous to have a Pan American Conference considering arbitration and conciliation while two of the countries were on the point of going to war. Consequently, the first thing the Conference did, upon its opening, was to offer its good offices to the Bolivian and Paraguayan Governments.⁹⁵ The good offices were accepted and after most tedious negotiations the sub-committee of five succeeded in bringing about an agreement between the two countries for the signature of a protocol⁹⁶ which provided for the establishment of a Commission of Inquiry and Conciliation, composed of five neutral members, to investigate and conciliate the incident of December 5 and to apportion the responsibility therefor. The function of the Committee was strictly limited, on the insistence of Bolivia, to the two points mentioned, and its duration was also strictly limited, likewise on the insistence of Bolivia, to a six months period.

The Sub-Committee of the Pan American Conference which considered this matter was presided over by Señor Maúrtua of Peru. Mr. Hughes represented the United States; Ferrara, Cuba; Manuel Foster, Chile, and do Amaral, Brazil. It was contemplated that the Neutral Commission of Inquiry and Conciliation would consist of representatives of those five countries. Chile, however, at that time had a young, inexperienced, rather peppery and indiscreet Minister of Foreign Affairs, Rios Gallardo, who also was quite anti-Bolivian, and he had sent some rather gratuitously affronting telegrams to the Bolivian Government. In naming the Commission, therefore, Bolivia insisted that Chile should not be on it. The Peruvians at once said that if Chile was not on the Commission Peru would withdraw as Peru did not want to seem to be getting any advantage over Chile, the Tacna-Arica affair at that time not yet having been settled. Argentina was the only American nation not present at the Conference. Before the Conference went into the matter of drawing up a protocol, it asked Argentina, who had been carrying on negotiations in the past between the two countries, whether she was still interested and whether the work or action of the Commission would inter-

⁹⁵ *Foreign Relations*, 1928, vol. I, p. 685; *Proceedings of the International Conference of American States on Conciliation and Arbitration Held at Washington December 10, 1928-January 5, 1929* (Washington, Government Printing Office, 1929), p. 86.

⁹⁶ Protocol of January 3, 1929, *Foreign Relations*, 1929, vol. I, p. 835.

fere with what she was doing. Irigoyen replied that as his good offices for a definite settlement of the Chaco matter had not been unreservedly accepted by Bolivia, Argentina had stepped out and was no longer interested, and the work of the Neutral Commission would not interfere with anything Argentina was doing. Argentina was then asked if she would like to be represented on the Commission of Inquiry and Conciliation and declined.⁹⁸ Mexico and Cuba were then put on the Commission in the place of Chile and Peru. At the last moment, much to our surprise, Brazil withdrew from the Commission,⁹⁹ saying that she had just settled a boundary dispute with Bolivia respecting territory which borders on the disputed Chaco area, and she therefore thought it would be better if she did not take part in the Commission. Colombia was then substituted in Brazil's place¹ and the Commission of Inquiry and Conciliation was finally established on March 13, 1929, consisting of representatives of the United States, Mexico, Colombia, Cuba and Uruguay.

Frank McCoy represented the United States and meetings were held until the Commission expired by limitation on September 13, 1929. This Commission succeeded in conciliating the incident of December 5, 1928. The Commission, in the course of the six months' period, endeavored to see whether a direct settlement or an agreement on a formula for arbitration could not be arrived at to dispose of the fundamental question at issue and succeeded in getting both countries to extend the powers of the Commission so that they could informally discuss these matters. They were unable to come to a direct settlement nor were they able to find a formula for arbitration which both parties would agree to. Therefore, when the Commission went out of existence on September 13, 1929, the fundamental question was still pending; there were considerable troops on both sides in the Chaco; there were about fifty forts (really only mud huts) facing one another in the Chaco, and further clashes were apt to occur at any time.

Impressed with the danger of the situation, in view of the very strained relations between the two countries, as shown in the course of their negotiations, and the fact that it was only the fortuitous circumstance that the Pan American Conference was in session that there was any machinery in this hemisphere quickly available to act in the matter and offer its good offices, the five neutral members of the Commission of Inquiry and Conciliation recommended to the Secretary of State and to their respective Governments that some machin-

⁹⁸ *Foreign Relations*, 1929, vol. I, p. 829.

⁹⁹ *Ibid.*, p. 831.

¹ *Ibid.*, p. 833.

ery should be set up to offer its good offices to the two parties. As a result, the Secretary called in the diplomatic representatives in Washington of the other four neutral countries and suggested that they get the agreement of their Governments to the five Governments offering their good offices to the two contending parties. This was agreed to and on October 1, 1929, telegrams signed by the Secretary and the diplomatic representatives in Washington of the other four countries were sent to the Ministers of Foreign Affairs of Bolivia and Paraguay offering the good offices of this group to both countries.² Paraguay accepted at once. Bolivia temporized, made all sorts of inquiries and reservations, but would not accept any concrete suggestion for an arbitral settlement or negotiations looking to an arrangement by other amicable means.

Finally, at the end of May or early in June, 1931, the Neutral Commission here received a further inquiry³ from Paraguay asking whether it was not time to take the matter up again and make another attempt. The President of Bolivia having in the meantime made a very vague statement, which nevertheless gave us something to hook onto as representing a readiness on the part of Bolivia now to enter into negotiations, inquiry to this effect was made of both countries in June, 1931.⁴ The Paraguayans again accepted at once⁵ but it was not until the end of July that we got a reply from Bolivia which still insisted on impossible conditions but did definitely state a readiness to consider a pact of non-aggression.

While the Neutrals felt that a pact of non-aggression would be a useless step and a waste of time, nevertheless it was the only tangible thing Bolivia had indicated a readiness to discuss, and therefore, on August 6, 1931, both countries were invited⁶ to send representatives to Washington to consider a pact of non-aggression. Later in the month they both accepted. In view of the delay in getting Bolivia to fix a date on which the conversations could begin, it was necessary to ask all the nations of America to join with us in sending telegrams to both countries asking them to take up the negotiation for a pact

² See *Foreign Relations*, 1929, vol. 1, pp. 903-907.

³ See note No. 502 (bis), April 20, 1931, from the Paraguayan Minister for Foreign Affairs to the American Chargé in Paraguay, *ibid.*, 1931, vol. 1, p. 715.

⁴ For texts of notes (to be presented June 25), see telegram No. 23, June 22, 1931, 7 p. m., to the Chargé in Bolivia, and telegram No. 20, June 22, 1931, 7 p. m., to the Chargé in Paraguay, *ibid.*, pp. 725 and 727.

⁵ See telegram No. 70, October 9, 1931, 7 p. m., to the Ambassador in Brazil, par. 3, *ibid.*, p. 759, where it is stated that "This note was never answered by Paraguay."

⁶ For texts of notes (to be presented August 6), see telegram No. 40, July 30, 1931, 7 p. m., to the Minister in Bolivia; telegram No. 29, July 30, 1931, 7 p. m., to the Chargé in Paraguay; and telegram No. 41, August 5, 1931, 6 p. m., to the Minister in Bolivia, *ibid.*, pp. 751, 752, and 753.

of non-aggression without delay and to follow it up by a consideration of an agreement to submit the whole matter to arbitration. The nineteen countries of America sent such a message on October 19, 1931,⁷ and then we got their prompt agreement for the opening of the conference on November 11.

At the opening of the conference the Bolivians produced their credentials which were addressed to the Paraguayan Delegation, ignoring the Neutrals. They pretended that they had come to Washington to discuss the matter directly with the Paraguayans without any intervention or suggestions on the part of the Neutrals. Grudgingly they said that the Neutrals could look on as spectators but could not make any suggestions. The Bolivians were told flatly that the Neutrals had not proposed to do anything of the sort; they had offered their good offices; their good offices had been accepted by both parties, and they would not put up with any such nonsense. The Bolivians then suggested that I take part as representing all the Neutrals. I would not agree to this unless the Bolivians said that they would welcome the presence of all the Neutrals. Finally it was agreed that I would not only be present but would preside over the meetings and, as presiding officer, would naturally make suggestions, and that the other Neutrals would be welcome to come in and take part in any and every meeting if they so desired.

The above details of course are not for Drummond, especially any reference to the difficulties we may have had with independent action on the part of Argentina, but are merely to show you, so that you can tell Drummond, how the Neutrals have been working on this intricate matter for four years now and almost constantly in the face of most discouraging obstacles and setbacks. . . . The outlook at present is favorable for a definite settlement of this matter if patience and forbearance is used and a united front is presented by all concerned. Independent negotiations at two or three different focal points can only complicate matters as we have already seen. We therefore hope that the League, which I must say in its communications so far has been very good about supporting the Neutrals and has not entered the matter more than it was absolutely obliged to, will continue not to get into the matter any more than it absolutely has to, and that if it has to take action it will use its influence to support what the Neutral Commission in Washington is doing. We of course understand that if either of the parties to the conflict demands League

⁷ See circular telegrams of October 16, 1931, 5 p. m., and October 19, 1931, 5 p. m., to certain diplomatic representatives in Latin America, *Foreign Relations*, 1931, vol. I, pp. 766 and 768.

action the League will be obliged to take action. Even in that case, however, they could probably reiterate the principles set forth by the American nations on August 3 and further support the work of the Neutrals. Incidentally, it may be stated, in this connection, that four of the nations signing the declaration of August 3⁸ have not adhered to the Kellogg Pact,⁹ namely Argentina, Brazil, Uruguay and El Salvador. The only American nation, therefore, which has not agreed to the Kellogg Pact or has not signed this declaration is Bolivia and Bolivia has stated that she supports the principles we have set forth in the declaration of August 3.

The Neutrals have a definite objective, namely to bring about peace and settle this controversy, and in doing so to have a cessation of hostilities as quickly as possible and to support the declaration of August 3. The Argentine suggestion of a truce on the basis of present occupations, which is the Bolivian contention, is definitely contrary to the declaration and would scrap it practically at its inception. We have therefore not been able to accept that proposal. Also, while we did not put too much stock in the Argentine argument and the argument put forward by the Bolivian representative here that the Bolivian Government would fall if it had to turn back the positions now occupied, (as we knew that this suggestion did not arise in La Paz but was given to the Bolivian Government by their Minister in Washington, perhaps at the instigation of certain others here), we nevertheless did not want to take too rigid a position and make this collateral question the main issue when we are trying to bring about peace. On August 9 the Neutrals therefore inquired of Bolivia¹⁰ whether the Bolivian proposal of a cessation of hostilities on the basis of present occupations was made with the understanding that such occupations do not alter the juridical situation of Bolivia and Paraguay since the first of June, 1932; secondly, whether Bolivia would accept to submit the controversy over the Chaco immediately to an arbitration by means of negotiations which would begin before the fifteenth of September; thirdly, whether it would agree to abandon before the fifteen of June, 1933, the occupations made in the territory since the first of June, 1932, unless there should be a distinct agreement regarding this point between the two countries in dispute and that, in the meantime, it would maintain only the minimum personnel in those positions for their custody, and fourthly, whether it would agree to give facilities to the representatives which the Neutral Commission might wish to send to the Chaco territory for such inves-

⁸ *Ante*, p. 159.

⁹ *Foreign Relations*, 1928, vol. I, p. 153.

¹⁰ See telegram of August 9 to the Bolivian Minister for Foreign Affairs, p. 63.

tigation as might be pertinent. This suggestion was made to help Bolivia if she really has a bona fide political situation that is troubling her. It maintains the principle of the August 3 declaration by fixing a definite date for the evacuation of the territory recently conquered. It was Argentina's support of the Bolivian thesis which we feel caused Bolivia not to accept this proposal. We are going back at Bolivia as we have now got the neighboring countries in agreement to support our stand. If we can get Bolivia to accept, the way should then be open for a definitive settlement of this long drawn out controversy.

I think the above gives you the full story to date and I shall let you know of any other developments which might be helpful to you. The Secretary thought that a frank confidential talk by you with Drummond to let them know in advance just what our problem and difficulty is in this matter and what our objectives are would probably avoid their taking any action counter thereto.

With all good wishes [etc.]

FRANCIS WHITE

724.3415/2282 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

BERNE, September 14, 1932—1 p. m.

[Received 3:15 p. m.]

81. Reference letter from Francis White August 15—Bolivia-Paraguay. I had an informal and private conversation yesterday with Drummond following the suggestions of the latter [*letter?*]. As I terminated, Drummond said it was curious that I had brought up the question as he had been about to request me to call and talk about that very problem.

He had every desire both to avoid further complicating the present discussions in the League and to facilitate and aid the work of the Committee of Neutrals and as it appeared, of all the American states. Certainly anything that it might be necessary to do would be carried out in this spirit. The situation in South America had been giving him concern both because of its inherent possibilities and because it would jeopardize the Covenant and have a bad effect on the Manchurian discussions¹¹ about to be renewed if the League appeared to disinterest itself completely in the South American problem. Also the Covenant of the League is the only treaty that binds both Governments since Bolivia is not bound by the Kellogg Pact.

Drummond had been considering whether the Council could not

¹¹ For correspondence, see volume III.

act in such a way as to avoid the reproach of indifference and at the same time strengthen your position in this matter and would be glad to hear what you would think of the following action which he says he can readily persuade the Council to undertake: As you know (Gilbert's 238, September 12, 11 a. m.)¹² Drummond telegraphed September 10 and has a reply from Paraguay (Gilbert's 239, September 14)¹² of which a portion reads as follows: "The Neutral Commission is continuing its mediation up [to] the present. Thus we have omitted having recourse to the League of Nations". On the other hand Bolivia telegraphed the President of the Council December 18, 1928 in part as follows: "I have the honor to inform Your Excellency that, in accordance with the suggestions of the Council of the League of Nations, the Bolivian Government has just accepted the good offices offered by the Conference of Conciliation and Arbitration now in session at Washington."

The Council could cable both parties pointing out obligations under the Covenant, the acceptance (or apparent acceptance) by both of mediation and urge strongly to confide the case to the Neutral Commission and abide by its recommendations and decisions. Please instruct.

WILSON

724.3415/2282 : Telegram

The Secretary of State to the Minister in Switzerland (Wilson)

WASHINGTON, September 15, 1932—11 a. m.

62. Department approves suggestion made by you in last paragraph of your 81, September 14, 1 p. m. If this action should be taken it would help very materially.

STIMSON

724.3415/2296 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

BERNE, September 17, 1932—11 a. m.
[Received September 17—7:34 a. m.]

84. Your 62, September 15, 11 a. m. Drummond says that he will start this in motion. He adds that it would be very helpful to him and perhaps prevent his making a slip if you could be good enough to give him for his confidential information if advisable,

¹² Not printed.

1. Your views on this subject, which party is most recalcitrant, your general policy, et cetera.
2. The details of the plan which the Commission of Neutrals is now endeavoring to make the two parties accept.
3. Information as to the progress of your negotiations from time to time as they take place.

WILSON

724.3415/2296 : Telegram

The Secretary of State to the Minister in Switzerland (Wilson)

WASHINGTON, September 19, 1932—5 p. m.

64. Your 84, September 17, 11 a. m. Until recently Bolivia was the recalcitrant one. In the last 4 or 5 days Bolivia has become more cooperative and Paraguay has become recalcitrant and even somewhat truculent in her answers. This is evidently because Paraguay seems to be getting the better of the present hostilities.

The plan of the Neutrals at present is to try to bring about an immediate cessation of hostilities and then negotiations for a settlement of the fundamental question of the Chaco. Of course conditions for the continuance of the cessation of hostilities might also be discussed at the outset. Bolivia has agreed to the immediate cessation of hostilities and to a discussion of the fundamental question at issue. Paraguay has also agreed to a discussion with the Neutrals of the fundamental question at issue as soon as a truce can be arranged which she says will not be used by Bolivia to improve her military situation so that the negotiations will not be carried on under the pressure of military threat. The Neutrals are endeavoring to work out this remaining difficulty and are hopeful of success. I shall be glad to keep you informed of progress of negotiations from time to time.

STIMSON

724.3415/2309 : Telegram

The Minister in Colombia (Caffery) to the Secretary of State

BOGOTÁ, September 21, 1932—4 p. m.

[Received 7:44 p. m.]

74. Olaya referring to telegram of September 20 from Lozano, Washington, and his reply thereto, same date, regarding Argentine plans to take Chaco question to Geneva, asks if the Department of State desires him only to instruct Colombian delegates or should he also endeavor to persuade other Latin American governments to instruct their delegates also.

CAFFERY

724.3415/2309 : Telegram

The Secretary of State to the Minister in Colombia (Caffery)

WASHINGTON, September 22, 1932—6 p. m.

42. Your 74, September 21, 4 p. m. In informal discussion of certain of the Neutrals it was suggested that they would ask their Governments to advise their representatives at Geneva fully regarding the Chaco negotiations in order that they would have the full background should the matter be brought up at the League meeting. Department has no suggestion to make regarding endeavor to persuade other Latin American delegates to instruct their delegates also but leaves this matter to Olaya. The question has not been raised here. The only point discussed was that the representatives at the League of the Neutral Governments, members of the League, should be fully informed of the situation so that they could handle it if it is brought up.

STIMSON

724.3415/2326 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, September 23, 1932—4 p. m.

[Received September 24—3:25 p. m.]

263. At the Council meeting this morning under the presidency of de Valera (Irish), Matos (Guatemala), who, the Department will recall, as former President of the Council engaged in correspondence with the Bolivian and Paraguayan Governments (although this matter was not on the agenda) brought forward the Bolivian-Paraguayan matter.

He cited the exchanges between himself and those Governments, as reported in the Consulate's previous telegrams, and in this no new elements were introduced. He then emphasized however that he felt this action had been particularly incumbent on him inasmuch as the Covenant of the League is the only instrument by which these states are mutually bound in matters respecting the maintenance of peace. He pointed out the efforts which were being made by the "neutrals" at Washington and by "neighboring countries" which he had followed with "satisfaction and confidence" particularly the declaration by the "nineteen countries" that they would not recognize any territorial arrangements which had not been obtained by pacific means (note Consulate's despatch No. 353, political, September 13, page 3).¹⁸

¹⁸ Not printed.

He suggested that the Council should declare that it held itself ready to further these efforts of the American Republics and that the Secretary General should make this declaration known to the American Republics.

Madariaga (Spanish) voiced general approval of Matos' statement but stressed strongly that no other legal link in this matter existed between the disputants except the Covenant and that all other efforts were voluntary and only expressions of international goodwill. He asserted that the Council is bound, particularly under the provisions of the Covenant, to take some action and that under these circumstances the Council should go further and give definite indications of its responsibility. He suggested that a *rapporteur* or a small committee be appointed to follow this matter and to report to the Council.

The representatives of Great Britain, France and Panama associated themselves with the statements of Matos and of Madariaga.

The statements of Matos which were regarded in the light of a "report" were approved by the Council. No action was taken on Madariaga's suggestions.

In conversations later with Matos and responsible officials I gathered that the policy of the leading members of the Council is that the League continue its position substantially as outlined in my conversation with Dufour-Féronce, reported in my No. 228, August 3, 7 p. m., paragraph 3, and that even though a *rapporteur* or a special committee [is appointed, this would be?] merely in line with Council procedure in similar cases and would not necessarily imply a change of policy in this matter.

GILBERT

724.3415/2339 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, September 26, 1932—5 p. m.
[Received September 26—4:38 p. m.]

269. De Valera asked me to come to see him this afternoon. He said that a small Council committee will be appointed possibly this evening to consider the Bolivia-Paraguay situation (Consulate's No. 263, September 23, 4 p. m., final paragraph) which will consist of himself, Matos and one or possibly more Council members.

He stated that he had learned that the United States had taken up questions of policy in this matter with certain League officials; that he was most favorably disposed toward the United States and that he thought it well to present his present views on this subject for transmission to Washington should I desire to do so. He then ex-

pressed himself in substance as follows. The small committee referred to would meet at an early date. While a settlement of the problem in the Chaco was the aim to be attained by whatever means were best, the committee would nevertheless have to consider fully the duties and obligations of the League in an affair of this kind. He well recognized the dangers of double jurisdiction (referring of course to the Committee of Neutrals in Washington) but should war eventuate, the League would be faced by a situation in which it would be compelled to take definite action and that therefore it could not disregard a condition which might lead to war. The League should of course lend full support in the most expedient manner to mediatory action which was being taken in Washington but that League action would depend upon the progressive or prospective success of those mediatory efforts. He declared that he was quite in the dark as to: (1), the precise action which had been taken and was being taken in Washington; (2), by whom it was being taken; (3) the proposals made to the disputants and the commitments obtained from them and; (4), the present status of the situation from a technical point of view and the prospects of a successful outcome. He said that tonight the Council committee would be determined very largely by the nature of this information could it be placed before them. He indicated that if possible he would like to have it furnished from Washington.

In order that the Department may more fully evaluate the situation here I may add that ever since the action of the Extraordinary Assembly in the Sino-Japanese matter with which the Department is familiar there has been a marked tendency for the smaller states to assert themselves more strongly in the matter of League policy which means in effect a more insistent and perhaps idealistic regard for the prestige of the League itself and certainly greater insistence on a regard for the obligations of League states under League instruments.

Furthermore the circumstance of de Valera being President of the Council presumably until January suggests strongly that League policy at least for the present will be less under British influence and in a more general sense less under the influence of the great powers.

GILBERT

724.3415/2335 : Telegram

The Secretary of State to the Acting Chairman of the American Delegation to the General Disarmament Conference (Gibson)

WASHINGTON, September 26, 1932—7 p. m.

5. For Wilson. Neutrals on 22nd proposed to Bolivia and Paraguay¹⁴ immediate cessation of hostilities without conditions and submission of matter to arbitration without reservations. Bolivia has accepted immediate cessation of hostilities but has not yet answered on arbitration. Paraguay has accepted arbitration and immediate cessation of hostilities but on condition that troops of both countries are withdrawn. Both countries have accepted the sending of neutral delegation which will supervise the maintenance of peace.

Neutrals today pointed out to Paraguay that question of withdrawal of troops is a matter which the Neutral Commission can take up as soon as hostilities are terminated and is endeavoring in view thereof to have Paraguay accept proposal of 22nd. Neutrals are trying to have Bolivia accept on point of arbitration.

STIMSON

724.3415/2339 : Telegram

The Secretary of State to the Consul at Geneva (Gilbert)

WASHINGTON, September 27, 1932—2 p. m.

141. Your 269, September 26, 5 p. m. Wilson has been informed¹⁵ regarding Chaco developments. Please advise him of De Valera's conversation with you.¹⁶

STIMSON

724.3415/2357 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, September 28, 1932—4 p. m.
[Received September 28—11:35 a. m.]

7. Drummond told me that the message in your 5, September 26, 7 p. m., was exactly what he had hoped for and that it was the decisive factor in causing the committee of the Council to send a telegram to the two parties (Consulate's telegram No. 272, September 28, 4 [6])

¹⁴ See p. 93.

¹⁵ See *supra*.

¹⁶ As set forth in telegram No. 269, September 26, 5 p. m., from the Consul at Geneva, p. 232.

p. m.).¹⁷ Drummond added that if he can have at frequent intervals reports of what the Commission of Neutrals is doing and of progress in the matter especially during the session of the Assembly he thinks he can keep the matter entirely within the bounds of cooperation with the work of the Commission of Neutrals.

WILSON

724.3415/2368 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, September 29, 1932—7 p. m.
[Received September 29—5:51 p. m.]

12. De Valera asked me to call to discuss Paraguay-Bolivia situation. He asked me what news I had regarding it and I gave him what was available. He talked along the general lines of Gilbert's number 269, September 26, 5 p. m., and then brought up the question whether it was not feasible to have the Council committee kept in closer touch by the Committee of Neutrals with what is going on. After some conversation he said that he was contemplating having the Council committee refer to the Committee of Neutrals the replies from Bolivia and Paraguay to the Council's telegram, expressing the hope that the Committee of Neutrals will push the matter as expeditiously as possible, expressing the hope of success to their efforts and asking the Committee of Neutrals if it would be good enough, since both parties are earnestly desirous of cooperating for the same purpose, to keep the Council informed of their activity.

He also asked whether I could obtain for him any news as to whether the Committee of Neighboring States was also active or whether their efforts had been merged with those of the Committee of Neutrals.

WILSON

724.3415/2372 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, September 30, 1932—1 p. m.
[Received September 30—9:15 a. m.]

14. Supplementing my 12, September 29, 7 p. m., Drummond informs me privately that Council Committee met this morning and decided to take action in the sense reported in my first paragraph

¹⁷ Not printed.

and are sending a telegram addressed "President of the Commission of Neutrals, care State Department, Washington."

Drummond states that this will be held confidential until 12 o'clock tomorrow, Geneva time, when it will be released.

Drummond emphasized again that Council committee is animated by the desire of being helpful and cooperative with the work of the Committee of Neutrals.

WILSON

724.3415/2368 : Telegram

The Secretary of State to the Acting Chairman of the American Delegation to the General Disarmament Conference (Gibson)

WASHINGTON, September 30, 1932—7 p. m.

13. For Wilson. Your 12, September 29, 7 p. m., last paragraph.

White's letters of September 19th and 20th¹⁸ give you information regarding the action of Argentina. At the present time the neighboring states have not agreed on any action of their own but they have all collectively and individually assured the Neutral Commission that they approve of its manner of handling the matter, are supporting and backing the Neutral Commission, and desire to cooperate and be helpful.

Neutral Commission this evening answered League's cable.

STIMSON

724.3415/2376a : Telegram

The Secretary of State to the Acting Chairman of the American Delegation to the General Disarmament Conference (Gibson)

WASHINGTON, September 30, 1932—8 p. m.

14. For Wilson. Please explain to Drummond and de Valera following regarding the Chaco matter:

First, give them a copy of the declaration made by the other 19 American countries to Bolivia and Paraguay on August 3rd.¹⁹ Please state that on July 7th the Neutrals received the first complaint from either of the parties regarding an attack in the Chaco. On that date Paraguay complained that one of its forts had been attacked by

¹⁸ Not printed; the letters summarize correspondence printed under sections entitled "Good Offices of the Commission of Neutrals" and "Efforts of the Commission of Neutrals to Obtain the Cooperation of the ABCP Republics," pp 8 ff. and 136 ff.

¹⁹ *Ante*, p. 159.

Bolivia on June 15th. A series of complaints from one side or the other ensued regarding attacks through July 29. On August 3rd the declaration of the 19 American countries was made and the Neutral Commission asked both parties to stop hostilities on the basis of the *status quo* before June 15th and enter into immediate negotiations for a settlement of their differences. The suggestion of the *status quo ante* was made on account of lack of reliable information regarding the series of attacks by one side or the other because it was felt that this suggestion would be fair to both parties and that any other basis might lead to a refusal while one of the parties tried to recapture positions lost since June 15th and also because it coincided with the doctrine of August 3rd. Bolivia declined to go back to the *status quo* prior to June 15th. The Neutrals then suggested a truce for 60 days, during which negotiations for a settlement would be undertaken.

Bolivia accepted a truce for 30 days. Paraguay accepted termination of hostilities contingent upon guarantees that Bolivia would not use the period of suspension of hostilities to better its military position and attack Paraguay at the end of the truce.

Both parties repeatedly expressed their peaceful intentions but the fighting continued. On September 22, therefore, the Neutral Commission advised both parties that in view of their professions of peaceful intentions the further continuation of fighting was inexcusable and called on them to terminate hostilities at once without conditions and to agree to enter immediately into negotiations for an arbitral settlement without reservations. The Neutral Commission added that it would send military representatives at once to the Chaco to observe and report on the compliance of both parties with their agreement to stop hostilities, should they accept, and added that if these military representatives reported that either party had resumed military operations the Neutral Committee would declare that country the aggressor and would invite the other American countries to withdraw their diplomatic and consular representatives from that country. It was felt that this gave Paraguay as full guarantees as it was possible to get regarding the observance of the truce while the matter was being arbitrated.

Bolivia accepted the immediate cessation of hostilities but did not at once reply regarding arbitration. Bolivia has now said that she can not accept arbitration without reservations because Paraguay claims as part of the Chaco a large section of country which is really in Bolivia proper. Paraguay accepted arbitration but still makes conditions regarding the termination of hostilities, namely, the evacuation of all troops from the Chaco. Bolivia does not accept this and states that the condition of the terrain would put her at a great dis-

advantage should she accept. Bolivia maintains that Paraguay could reoccupy in a few days positions evacuated whereas Bolivia would require 2 months or more to do so.

The Neutrals today are requesting both Bolivia and Paraguay to state what they consider to be the limits of the Chaco to see if agreement on this point will not make it easier to get an acceptance of suspension of hostilities and an immediate arbitral solution of the fundamental question. Paraguay is also being asked whether, in view of her recapture of Fort Boquerón and other forts taken from her by Bolivia since June 15th, and the beginning of the rainy season, she does not feel that she can now suspend hostilities without reservations but relying on the neutral military commission to see that the truce is observed.

The Neutral Commission feels that there is nothing more to be done at present; is appreciative of the offer of the League to support what the Neutrals are doing, and will gladly keep the League informed, making such specific suggestions for cooperation as the situation, as it later develops, may require.

The League should use patience at the present moment and not expect to get a settlement in the 3 weeks it is in session. The matter will move more slowly. It seems to be entering into a more satisfactory phase and the beginning of the rainy season, while possibly not preventing small clashes, will undoubtedly prevent for some months any large operations.

STIMSON

724.3415/2378 : Telegram

*The President of the Council of the League of Nations (De Valera)
to the Chairman of the Commission of Neutrals (White)*

GENEVA, October 1, 1932.

[Received 2:30 p. m.]

Committee of Council thanks you for prompt, courteous reply and for promise keep it informed further developments this matter and give full consideration any suggestions which it may make. For moment point which particularly preoccupies Council is fact that armed forces two countries are close contact one another and that however pacific intentions of Governments may be this situation inevitably leads to risk incidents serious nature and prejudice peaceful solution we hope to secure. When similar though less acute situation arose December 1928, Council in telegram both Governments observed that in its experience it is most important confine all military measures to those which could not involve danger their armed forces

coming into contact.²⁰ It would therefore appear particularly desirable that without prejudicing any way final solution dispute two Governments should withdraw forces such distance from one another as would do away with existing risk. Experience of Council would indicate that most effective method bringing about this result would be despatch commission military officers chosen with view enabling them proceed spot quickest possible who would, acting in harmony with military commanders in field both sides, report on measures taken reduce danger local fighting. Council committee would welcome any further information which you able forward them on progress your efforts for securing acceptance of a basis for final arbitration of conflict.

DE VALERA

724.3415/2378 : Telegram

The Chairman of the Commission of Neutrals (White) to the President of the Council of the League of Nations (De Valera)

WASHINGTON, October 13, 1932.

Commission of Neutrals received your telegram of October 1st suggesting Bolivia and Paraguay should withdraw forces such distance from one another as would eliminate existing risk and the sending of a commission of military officers to the spot to act in harmony with military commanders both sides and report on measures taken to reduce danger of local fighting. Such a proposal had already been made by the Neutral Commission to both contending parties on September 14th.²¹ Both sides accepted the sending of a commission by the Neutrals²² and this commission will proceed as soon as the situation seems appropriate therefor. Neutrals still feel this question must be handled as it has been in the past with much patience in order to avoid greater complications. Negotiations for termination of hostilities on satisfactory conditions of security to both are now proceeding satisfactorily as are negotiations for securing acceptance of bases for final arbitration of conflict.

FRANCIS WHITE

²⁰ See telegram No. 119, December 11, 1928, 7 p. m., from the Minister in Switzerland. *Foreign Relations*, 1928, vol. I, p. 636.

²¹ *Ante*, p. 88.

²² See last paragraph of telegram dated September 26, from the Commission of Neutrals to the Paraguayan Minister for Foreign Affairs, p. 96.

724.3415/2434½

*The Minister in Switzerland (Wilson) to the Assistant Secretary
of State (White)*

33 QUAI WILSON

GENEVA, SWITZERLAND, October 17, 1932.

DEAR FRANCIS: Many thanks for your letters regarding the Chaco dispute. They were most helpful in conversations with Drummond and De Valera. The information which they contained, together with what you sent me in telegrams, headed off, I think, an endeavor by the Council to take direct jurisdiction in this matter and thereby cross wires with the work of the Neutral Commission.

As you know, the Council will meet on November 14th to take up the Lytton Report.²³ There will undoubtedly be certain other items on the agenda and in all probability it will give consideration to the status of the Chaco dispute. You are probably aware of the fact that during the past year a number of the small states have been feeling their oats and insisting on a rigid application of the terms of the Covenant, having been frightened by what they consider the laxity of the great states in dealing with the Manchurian problem. It is well on the cards that this feeling will inspire the representatives of these states to try and force the Council to take action itself if real progress has not been made in the solution of the dispute between Paraguay and Bolivia.

Having watched this show for years I am not inclined to be a prophet and therefore won't say what they will do, but I think you should have your mind prepared for some such action and endeavor in the meantime to concentrate all possible pressure on Paraguay and Bolivia in order to satisfy the Council that this matter is really reaching a solution. I know you are doing this already; nevertheless I do think there is real reason to expect that they will take action themselves in the next session if they are not satisfied.

Very sincerely yours,

HUGH R. WILSON

²³ League of Nations, *Appeal by the Chinese Government, Report of the Commission of Inquiry* (Geneva, October 1, 1932).

724.3415/2455b : Telegram

The Acting Secretary of State to the Acting Chairman of the American Delegation to the General Disarmament Conference (Gibson)

WASHINGTON, October 26, 1932—5 p. m.

25. For Wilson from White. On October 12 Neutral Commission asked Bolivia and Paraguay²⁴ to authorize their delegates in Washington to come to a meeting of the Commission of Neutrals to discuss, draw up and sign with the delegate of the other party, an agreement covering the following points: 1. The separation of troops in the Chaco; 2. the demobilization of the reserve troops of both countries; 3. the reduction and limitation for a stated period of the regular armies in both Bolivia and Paraguay. The letter added that it was understood that a commission of neutral military officers will be provided for in the agreement to verify compliance with the above condition. It was also stated that the agreement should provide that the controversy between the two Governments would be settled solely by arbitration and provide for the opening within a reasonable period, say a fortnight after the signing of the agreement, of negotiations for an arbitral settlement of the Chaco dispute.

Paraguay accepted this proposal on the 14th.²⁵ Bolivia accepted it this afternoon²⁶ and the first meeting will be held tomorrow, October 27, at 3 p. m. You may inform Drummond of the above. [White.]

CASTLE

724.3415/2457 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, October 27, 1932—7 p. m.

[Received October 27—6 p. m.]

28. Your 25, October 26, 5 p. m. I have communicated substance of this telegram to Drummond. He was happy to hear the news it contains and stated that the Council committee when it learns of it will appreciate highly the successful results which the Neutral Commission has obtained. Drummond asks whether he may assume that in due course the President of the Neutral Commission will communicate this information formally to the President of the Council so that the latter may impart it to his colleagues on the Committee of Three and ultimately to the Council itself.

Please instruct.

WILSON

²⁴ Proposal of October 12 not printed.

²⁵ See telegram No. 39, October 17, 1 p. m., to the Minister in Bolivia, p. 103.

²⁶ See telegram dated October 26, from the Chairman of the Commission of Neutrals to the Secretary of State, p. 104.

724.3415/2478 : Telegram

The Secretary of State to the Acting Chairman of the American Delegation to the General Disarmament Conference (Gibson)

WASHINGTON, November 1, 1932—4 p. m.

26. For Wilson from White. Your October 27, 7 p. m. and November 1, 11 a. m.²⁷ There has been no meeting of Neutral Commission since your telegram was received. A meeting will be held tomorrow. In view of the attitude which the members of the Commission have taken in the past, it seems likely that the Commission will prefer to have present information given to the League informally through you rather than to send any formal communication at this time. [White.]

STIMSON

724.3415/2479 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, November 1, 1932—6 p. m.
[Received November 1—2:50 p. m.]

30. My 29, November 1, 11 a. m.,²⁸ and 28, October 27, 7 p. m. League Secretariat tells me that with the reconvening of the Bureau this week there is likely to be an early meeting of the Council Committee of Three on the Paraguay-Bolivia affair. I gather that the League Secretariat believes it would be desirable if the information in your 25, October 26, 5 p. m., were communicated formally to the President of the Council as indicated in my 28. The Committee of Three would also appreciate learning whether the meeting envisaged in the penultimate paragraph of the Department's 25 took place and what the latest news is from the Chaco, reports in the press recently having indicated a continuation of hostilities.

WILSON

724.3415/2480 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, November 2, 1932—10 a. m.
[Received November 2—6:50 a. m.]

32. For White. Your 26, November 1, 4 p. m. I am doing what I can to keep the action of the Council along the lines you desire. Dunn has explained to me your difficulties. Nevertheless I think it

²⁷ Latter not printed.²⁸ Not printed.

well to point out that unless Neutral Commission will freely furnish information and exchange views with Council Committee I am inclined to believe that latter will take independent action as they may do under the Covenant. (See my 10 [30], November 1, 6 p. m.). You may wish therefore to take this matter up with the Committee at your meeting on 2nd instant and endeavor to obtain authorization to cable direct.

WILSON

724.3415/2480 : Telegram

The Acting Secretary of State to the Acting Chairman of the American Delegation to the General Disarmament Conference (Gibson)

WASHINGTON, November 2, 1932—5 p. m.

28. For Wilson. Your 32, November 2, 10 a. m. Commission of Neutrals will send a telegram to the President of the Council. Please advise when the Committee will meet so that the telegram may be sent at that time.

CARR

724.3415/2482 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, November 3, 1932—11 p. m.

[Received November 3—7:04 p. m.]

33. Your 28, November 2, 5 p. m. I made inquiry as to when Council committee on Chaco question would sit. Drummond told me that he was having real difficulty in preventing the committee from calling a session and taking action on its own but he believes he can prevent committee from meeting until Monday or Tuesday next.²⁹

Drummond stated further that the members of the committee pointed out that the Chairman of the Commission of Neutrals had stated in his first communication to the President of the Council that the Commission of Neutrals would communicate with Council committee from time to time and keep it informed. Committee is now aware of the fact that a meeting of the Neutrals was recently held in Washington but has no information regarding its result.

In the strictest confidence I told Drummond some of the difficulties we are encountering in having this information sent. He replied in the strictest confidence that the Argentine Minister here had spoken to him as to the possibility of presenting a plan of [on] which the

²⁹ November 7 or 8.

League might act, that Drummond had replied that of course if the Argentines presented a plan, the League under the Covenant would have to consider it but that he hoped it would not be presented in view of the efforts of the Commission of Neutrals which seemed to be progressing favorably.

I feel that we must do what we can to help Drummond in this connection and that full and continuous communication from the Chairman of the Neutrals to the Chairman of the Council is the only hope of stemming off action by the Council.

You will understand that a message communicated from me to Drummond is communicated unofficially unless I am instructed to the contrary and although he can convey this information unofficially it does not have the same effect as a formal communication by the Committee of Neutrals to the President of the Council which can be circulated generally and on which the Council can take official action.

WILSON

724.3415/2487a : Telegram

The Chairman of the Commission of Neutrals (White) to the President of the Council of the League of Nations (De Valera)

WASHINGTON, November 5, 1932.

Commission of Neutrals takes pleasure advising you Bolivia and Paraguay have accepted Commission's suggestion to open direct negotiations under auspices of Neutral Commission for termination of hostilities and to arrange for arbitral settlement of dispute. These negotiations have been duly opened and are proceeding normally.

FRANCIS WHITE

724.3415/2434 ½

The Assistant Secretary of State (White) to the Minister in Switzerland (Wilson), at Geneva

WASHINGTON, November 5, 1932.

DEAR HUGH: Thank you very much for your letter of October 17. I appreciate tremendously all you have done in this Chaco matter. I think that the League may well try to take some action in this dispute egged on by Argentina. Argentina seems to be succeeding, to a certain extent, in weaning Paraguay away from the Commission. By the same token Bolivia is all the more determined that this question shall not go to the League or anywhere where there is Argentine

influence. Argentina is correctly recognized in Bolivia as being an out-and-out supporter of Paraguay and naturally the Bolivians have no confidence in anything that Argentina has any connection with whatsoever. I regret to say that Uruguay is considered as somewhat similarly tainted. The action of Varela in the Commission here lends support to the charge that Uruguay is more friendly to Paraguay than to Bolivia.

As suggested by you in your cables, I sent today a cable to the President of the Council³⁰ informing him of what is going on. Of course I am in favor of keeping them informed so long as they play the game with us, but at the same time the Neutral Commission can not afford either to be put in the position that it is subordinate to the League and can only work through it or as permitted by it.

I enclose herewith for your information and background a copy of a memorandum of a conversation I had on the night of October 19³¹ with the Paraguayan delegate regarding the Chaco. I also enclose a translation of a note dated October 18,³² which I received as Chairman of the Neutral Commission, from the Argentine Ambassador. This note was of course drafted by Saavedra Lamas in Buenos Aires and shows, I think, three things: one, his desire to get in the lime-light by making us support a very hastily drawn up South American Anti-War Pact³³ which he feverishly drafted last August when his unfounded claim of authorship of the doctrine of August 3³⁴ was challenged (not by the Neutrals who purposely said nothing in order not to irritate him and let him get a certain amount of favorable publicity) but by *La Prensa* in Buenos Aires and by certain senators who interpellated him. His note tries to show that the Neutrals have no authority under which to act as we are not acting under a treaty. If he can get us to support his pact that is what he would like above all but, failing that, and of course he can not help realizing that under the present circumstances one at least of the contending parties would not ratify his pact, then to transfer the negotiations to the League of Nations. He would then undoubtedly want to exhibit his note as showing how he was responsible for bringing the negotiations to Geneva and perhaps endeavor to have the League appoint Argentina as its mandatory in the matter. Collateral with this is his desire to press a charge against us of high-handed, threatening, imperialistic dealing with the small weak powers of Paraguay and Bolivia and to exhibit himself as the champion standing out against us. These

³⁰ *Supra*.

³¹ Not printed.

³² *Ante*, p. 203.

³³ See pp. 260 ff.

³⁴ For text of the declaration of August 3, see p. 159.

charges of course are entirely unfounded, as we point out in our reply, a copy of which in English and Spanish is enclosed herewith.³⁵

The Colombian Minister here is sending copies of all communications to Colombia's representative on the League and I think that if Argentina tries anything they will find that Colombia is one of the countries that will take issue and Mexico will certainly strongly support anything that Colombia does and most likely the Cuban also. If the matter does come up you might find it advantageous to keep in touch informally with the Colombian.

I shall keep you advised of course of any other developments.

Yours, very sincerely,

FRANCIS WHITE

724.3415/2496 : Telegram

*The President of the Council of the League of Nations (De Valera)
to the Chairman of the Commission of Neutrals (White)*

GENEVA, November 9, 1932.

[Received 1:20 p. m.]

I thank you your telegram November 5th. My colleagues, myself particularly, glad hear that direct negotiations under auspices your committee have begun and proceeding normally. At same time cannot but be seriously concerned at continuation of warlike action in Chaco in spite all efforts to contrary and trust that hostilities will now be suspended definitely and both parties will give formal assurances they will not proceed during such suspension to any military preparations or other action which might prejudice progress of negotiations. My committee will continue in session until Council meeting to which it must report on situation.

DE VALERA

724.3415/2511 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, November 14, 1932—1 p. m.
[Received November 14—10:07 a. m.]

39. [For] Francis White. Lester, Irish representative, called to explain that he had received a letter from De Valera asking him to call on me to explain the necessity for the Council committee to receive completer and more frequent telegrams of information from the Neutral Commission. The arguments advanced were so similar to those

³⁵ *Ante*, p. 209.

advanced by Drummond, reported in my 33, November 3, 11 p. m., that I shall not repeat.

De Valera also pointed out that the members of the Council committee attached the highest importance to the immediate arrival on the spot of a military commission and asked me again to bring this to your attention.

WILSON

724.3415/2511 : Telegram

The Secretary of State to the Acting Chairman of the American Delegation to the General Disarmament Conference (Gibson)

WASHINGTON, November 15, 1932—3 p. m.

32. For Wilson. Your 39, November 14, 1 p. m. The Council Committee appears to overlook entirely the political difficulties in Paraguay and Bolivia, particularly in the latter, where there has been a succession of cabinets for the last 2 months. Any precipitate action will simply undo the work that has been accomplished up to now as the result of most laborious and painstaking efforts. The League has not been dealing with the matter and apparently does not appreciate the difficulties that have been overcome so far nor the great change in the attitude of the two Governments which now gives encouragement that a settlement can perhaps be worked out. The Neutral Commission has been working on this matter for 4 years now and knows the difficulties. If the Commission had not used the utmost patience delegates from the two countries would not now be discussing the matter in Washington. If the League is impatient and jumps in it will most assuredly get a severe rebuff from one at least and probably from both of the countries concerned. The Neutral Commission feels that patience is essential in this matter and it will not be rushed into precipitate action which will merely result in undoing everything it has so far accomplished. For your confidential information the recent developments in the negotiations are most encouraging but there is nothing which can be blazed forth in the papers at this time regarding them as happens necessarily with any communications sent by the Neutral Commission to the League. As soon as there is something which can helpfully be communicated that will be done and if the Neutral Commission finds any action on the part of the League Committee which would be helpful this will certainly be pointed out and suggested to the Committee. It is most important that an attempt should be made to settle in a few days or weeks this matter which has been dragging on for a long time and can only possibly be brought to a satisfactory settlement by patience. Any other action is bound to result in failure.

STIMSON

724.3415/2522 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, November 17, 1932—5 p. m.

[Received November 17—2:10 p. m.]

42. Drummond asked me to call regarding the Chaco matter. He pointed out that there is a growing feeling among members of the Council that something further should be done by the Council to avoid the reproach of inactivity in the face of almost daily press messages of fighting in this region and also because of the possibility of a real dispute between Colombia and Peru. The Council members feel that they must keep their position clear in regard to the Chaco in order to be able to take cognizance if necessary of the Colombia-Peruvian dispute.³⁶ I talked to Drummond along the lines of your 32, November 15, 3 p. m. He quite understands this but feels that for reasons stated above it may prove impossible to hold up action by the Council. If the Council insists he is hoping to propose some action that will have a good effect, aid the efforts of the Committee of Neutrals and run no risk of crossing wires with you.

He is thinking of suggesting that the Council might send identic messages to Bolivia and Paraguay along the following lines:

(1) That the Council is happy to note that direct negotiations under the auspices of the Neutral Committee are taking place; that this action follows the lines laid down by article 12 of the Covenant;

(2) The Council regrets to note from the press reports that severe fighting is continuing; the Council calls on the two parties to cease these hostilities;

(3) The Council insists that the parties at once accept the proposal made by the Committee of Neutrals for the sending of a military commission to examine the facts and to arrange that there shall be no resumption of hostilities; such action of course not to prejudice the eventual findings of the Neutral Commission;

(4) The Council considers that a refusal by either party to cease hostilities would constitute a denial of its obligations under the Covenant.

Drummond added that if such action were taken the Council committee would repeat the telegram to the Chairman of the Commission of Neutrals expressing hope at the same time that it would prove an aid to the work which the Neutral Commission is carrying on. Drummond hopes that you will turn this matter over in your mind and give him the benefit of any criticism, suggestion for addition or elimination, which would render the message more valuable.

WILSON

³⁶ See pp. 270 ff.

724.3415/2522 : Telegram

The Secretary of State to the Acting Chairman of the American Delegation to the General Disarmament Conference (Gibson)

WASHINGTON, November 17, 1932—7 p. m.

34. For Wilson from White. Your 42, November 17, 5 p. m. Please express appreciation to Drummond for his helpful attitude. The course he outlines would be helpful. Under paragraph 3 it might be well to point out to him exactly what the Neutral Commission's suggestion was regarding the sending of a military commission. The Neutrals on August 2 suggested³⁷ a return to the positions held by both countries on June 1st, that is positions before the outbreak of the recent military operations, the first attack of which as denounced to the Neutral Commission occurred on June 15. Bolivia had indicated a readiness to stop hostilities on the line of actual positions held in August after they had captured four Paraguayan forts. The Neutral proposal was made in order to prevent Paraguay from attempting to recapture those positions as a preliminary to peace discussions. Bolivia refused to change her position and hostilities continued. Paraguay took the position that she would not consent to a truce which might be used by Bolivia to better her military position in order to attack Paraguay at the end of the truce should negotiations fail. Paraguay's position, as stated by her, is that she wants a complete termination of hostilities and guarantees that hostilities will not be resumed and that the matter will be submitted to arbitration. Paraguay professes to fear that Bolivia will put up conditions for arbitration which will make negotiations fail and will then renew hostilities after having improved her military position during the truce. In order to try to give some assurance which would permit the cessation of hostilities, the Commission on September 22 suggested to both countries³⁸ that they accept an unconditional termination of hostilities and the immediate initiation of negotiations for the settlement of their differences by means of an arbitration without reservations. The Commission added that it would immediately send a delegation to the Chaco to verify the effective termination of hostilities and informed the parties that if this delegation advised the Neutral Commission that one of the parties had violated the engagement to terminate the struggle the Neutral Commission would declare that country to be the aggressor and would suggest that all the Governments of America withdraw their diplomatic and consular representatives from that country. It was hoped that the sending of this

³⁷ See telegram to the Bolivian Minister for Foreign Affairs, p. 51.

³⁸ See p. 93.

Commission and the proposed action to follow would give such guarantees as would permit the termination of hostilities..

Paraguay accepted the submission of the controversy to international justice but made conditions regarding the cessation of hostilities which were not accepted by Bolivia. Bolivia accepted the unconditional termination of hostilities but made reservations regarding arbitration. The proposal not having been accepted by the two countries the sending of a military commission was of course held in abeyance.

On October 12³⁹ the Neutrals suggested that the two delegates start direct negotiations with one another in meetings of the Neutral Commission, to draw up an agreement covering the following points: 1, the separation of the troops in the Chaco; 2, the demobilization of the reserve troops of both countries, and 3, the reduction and limitation for a stated period of the regular army in both Paraguay and Bolivia. The Neutral communication added: "It is understood that a commission of neutral military officers will be provided for in the agreement to verify compliance with the above conditions." It was stated that the agreement should also provide that the controversy between the two Governments would be settled solely by arbitration and provide for the opening within a reasonable period, say a fortnight after the signing of the agreement, of negotiations for an arbitral settlement of the Chaco dispute. Both Governments accepted to open a discussion on this basis and these discussions are now going on. The sending of the military commission of course depends upon the two Governments agreeing to stop hostilities. On account of the conditions of the terrain, et cetera, it is perfectly futile to send a commission to the Chaco while fighting is still going on. These negotiations are proceeding satisfactorily and developments in the last few days have been most encouraging. There is a difficult political situation in La Paz which has delayed matters somewhat but a telegram from the American Legation in La Paz today indicates that the chances that a cabinet will now be formed are much better and that more progress may be hoped for in the next few days.

Paragraphs 2 and 3 of Drummond's suggestion might be combined and have the Council call on the two parties to cease hostilities so that the military commission proposed by the Neutrals could go at once to the Chaco to examine the facts and arrange that there should be no resumption of hostilities. [White.]

STIMSON

³⁹ See telegram dated October 17 to the Minister in Bolivia, p. 103.

724.3415/2535 : Telegram

The Minister in Switzerland (Wilson) to the Secretary of State

GENEVA, November 18, 1932—9 p. m.
 [Received November 18—3:35 p. m.]

44. Your 34, November 17, 7 p. m., caused great satisfaction to Drummond. He has noted the alteration suggested in relation to points 2 and 3 and quite understands its advantage. He has requested me to put De Valera in touch with the situation on his arrival tomorrow which I shall do.

WILSON

724.3415/2548 : Telegram

The Consul at Geneva (Gilbert) to the Secretary of State

GENEVA, November 25, 1932—6 p. m.
 [Received November 25—2:50 p. m.]

337. Wilson's 44, November 18, 9 p. m. The Council this afternoon (the representatives of Bolivia and Paraguay present at the table) approved without discussion the report of its President concerning Bolivia-Paraguay dispute and also the text of two telegrams, one of which will be despatched to the Governments of Bolivia and Paraguay and the other to the Chairman of the Commission of Neutrals. Since the text of the former will be embodied in the latter it will not be cabled by the Consulate. The following are pertinent portions of the President's report:

"The fact that members of the League should depart from the principles they have bound themselves to respect cannot but be a cause of grave concern to the Council which has a direct obligation for the preservation of peace. In your Committee's view it is imperative to fortify the action of the Commission of Neutrals. That action is directed towards the same goal as our own, to prevent any further bloodshed and to arrive as soon as possible at a settlement of the entire dispute."

The report contains also the following statement:

"One of the obstacles to the suspension of hostilities would seem to be the fear on either side of a possible rearmament on the other. As the two members concerned in this dispute are not producers of arms, ammunitions and implements of war, any increase in their belligerent strength depends on consignments from abroad. The committee therefore feels that the attention of governments should be directed to this matter".

The report ends by stating that the parties to the dispute should realize that the Council is watching their action with the greatest

anxiety and requests the representatives of the parties to apprise their governments of the Council's feelings in the matter.

This both representatives agreed to do but they then launched into a series of statements regarding the dispute which were doubtless reiterations of their Governments' positions with which the Department is fully familiar. This exchange was at length terminated by the President who reminded them that the substance of the dispute was not before the Council.

GILBERT

724.3415/2547 : Telegram

*The President of the Council of the League of Nations (De Valera)
to the Chairman of the Commission of Neutrals (White)*

GENEVA, November 25, 1932.

[Received 2:20 p. m.]

Council anxious discharge its direct obligation for preservation peace asks me express you its concern at prolongation and even intensification present fighting in Chaco. To support efforts Neutral Commission it is addressing following telegram both parties:

"It is duty Bolivia Paraguay as members League to put immediate stop to fighting which continues in Chaco. Council will welcome news this has been done. Council aware that September 22nd last Commission Neutrals Washington proposed hostilities should be terminated and offered send military representatives to Chaco to observe execution this proposal. Council calls on both parties to accept this proposal without delay and to give proposed military commission facilities it will require to enable it to aid in making such provisional arrangements as without prejudice to ultimate settlement of dispute will terminate present fighting and remove danger renewed military activities. Council informed that under auspices Committee of Neutrals the two Governments are in direct negotiation for arbitral settlement dispute. Council urges more rapid progress in this negotiation and fulfillment both parties their obligations under article 12 Covenant".

Council suggests that proposed military commission be constituted immediately and proceed at once to carry out its duties.

DE VALERA

724.3415/2583 : Telegram

*The Secretary General of the League of Nations (Drummond) to the
Chairman of the Commission of Neutrals (White)*

GENEVA, December 3, 1932.

[Received 9:54 a. m.]

Am instructed by President Council communicate information your Committee following telegrams which have not yet been considered by Council committee.

First, from Paraguayan Government:

[Translation]⁴⁰ "November 28th. Paraguay earnestly desires immediate termination of the conflict in the Chaco provided she obtains guarantees against further Bolivian attacks on her legitimate heritage. My Government understands that the League of Nations can exercise decisive influence by an investigation which would permit of determining the country responsible for the conflict, in order that the sanctions established by the statutes may be applied to it."

Second, from Bolivian Government:

[Translation] "December 1st. I have the honor to reply to the last cablegram of Your Excellency with the following statements: Bolivia is disposed to suspend hostilities immediately, but Paraguay begins by assuming as her legitimate heritage the territory in litigation and wishes to impose on Bolivia before the Neutrals her material renunciation, a condition unacceptable in law. Moreover, Bolivia is at present the country under attack. It is not the one which is defending itself that should cease hostilities. We inform the League that Bolivia accepted at the proper time Commission proposed, with this sole modification, Civil Commission presided over by a high American military officer. Bolivia is continuing this line of action with the Neutrals."

DRUMMOND

724.3415/2583 : Telegram

The Chairman of the Commission of Neutrals (White) to the President of the Council of the League of Nations (De Valera)

WASHINGTON, December 3, 1932.

Neutral Commission has learned with pleasure through your telegram of November 25 of support Council is giving to efforts Neutral Commission endeavoring to bring about peace in Chaco. Negotiations are progressing satisfactorily and Commission hopes it will shortly be able advise you of distinct advances in peace efforts. Commission has received your today's cable and much appreciates your courtesy in communicating to it text of Paraguayan and Bolivian replies.

FRANCIS WHITE

⁴⁰ Original in Spanish; translation made in the Department of State.

724.3415/2591 : Telegram

*The Secretary General of the League of Nations (Drummond) to the
Chairman of the Commission of Neutrals (White)*

GENEVA [undated].

[Received December 6, 1932—11:52 a. m.]

Council considered your cable December 3rd and approved today following statement its President in presence representatives Bolivia, Paraguay:

"In view your statement negotiations to bring about peace in Chaco progressing favorably Council feels that for the moment any positive suggestion on its part other than those already made might complicate situation. At same time Council notes that telegrams two parties to Council communicated to Neutral Commission seem to indicate that proposal send impartial commission to spot with wide powers to advise and report is acceptable in principle to both Governments concerned. Council is glad to note replies of two governments on this point since it has attached and still attaches greatest importance to constitution and immediate departure of such commission particularly as continuance hostilities cannot but cause Council grave anxiety. The committee of the Council in touch with Neutral Commission is ready to cooperate with it as regards exact functions of such a commission and nomination of its members. It will support in every way efforts now being made to bring this unhappy dispute to satisfactory close."

DRUMMOND

724.3415/2683 ¶11

*Memorandum by the Chairman of the Commission of Neutrals
(White)*

[WASHINGTON,] December 7, 1932.

The Irish Minister called and left me the attached copy of a cable which he has received from de Valera, President of the Council of the League. There is a break in the code and he will send me a revised copy when it is worked out.

I thanked the Minister for the message and told him that I could see nothing in the Paraguayan reply to the League that indicated that Paraguay was ready to accept the sending of a military commission immediately to the Chaco nor did the Bolivian answer specifically accept in principle more than the sending at the proper moment of a commission on bases which were a modification of the neutral proposal. I told the Minister that I had explained the situation about this commission to the American Minister in Berne in a long cable of November 17⁴¹ and that I had therefore been surprised

⁴¹ *Ante*, p. 249.

at the telegram we had received from the League on the twenty-fifth.⁴²

I explained to the Minister at great length the futility of sending a military commission now and impressed upon him the necessity of dealing with the matter with great patience and circumspection. I said that if we rushed in before the situation was prepared we would get into a lot of trouble and not advance the negotiations. I told the Minister that the Neutrals appreciate the cooperation which the League Council is giving us and that we, in our turn, are desirous of cooperating with the League. I said that we can not give them the details of the negotiations now because any cable we send to the League is published and publication of the negotiations would wreck them but that as soon as the matter develops so that we have real progress to announce we will do so or, if the situation develops so that some other action is called for, we will consult with the League in an effort to get their backing for what we propose. I said I hoped that the situation would develop within the next week or ten days so that we could pursue one or the other of the courses mentioned above; that within the next fortnight we certainly should be in a position to do so.

The Minister thanked me and said he agreed fully with everything I had said. He said he saw nothing in the telegrams that indicated Bolivia's or Paraguay's acceptance of the immediate despatching of a neutral commission; that he agreed with the necessity of proceeding patiently and carefully, and that he would at once send a private message to de Valera in this sense and endeavor to have him go easy and lay off for awhile. He expressed as his personal opinion that the Spanish representative, de Madariaga, was the one who was pushing for action.

F[RANCIS] W[HITE]

[Annex]

*The President of the Council of the League of Nations (De Valera)
to the Irish Minister (MacWhite)*

The Committee Council in its telegram sent 25th November⁴³ expressed its concern at position of Bolivia Paraguay dispute. It feels bound in stating that owing to continued fighting in Chaco its anxiety has not lessened. The Committee therefore considers that appointment of and immediate despatch of Commission proposed in telegram above referred to has become even more urgent and thinks that action should be taken without delay more especially as it understands both parties have in principle accepted such a commission.

⁴² *Ante*, p. 252.

⁴³ See telegram of November 25 from the President of the Council of the League of Nations to the Chairman of the Commission of Neutrals, p. 252.

It is anxious that such action which would be a first step to ensure that obligation laid upon League under Covenant will be respected should be taken through your invaluable office and trusts that your telegram 3rd December reference to appointment of and despatch of Commission—

The Committee would welcome earliest possible news and remain ready for the closest cooperation as to scope and membership of Committee.

DE VALERA

724.3415/2591 : Telegram

The Chairman of the Commission of Neutrals (White) to the President of the Council of the League of Nations (De Valera)

WASHINGTON, December 10, 1932.

Neutral Commission has received your telegram December 6th⁴⁴ and much appreciation helpful attitude of Council.

Neutral Commission pleased to note statement that Council will support in every way efforts now being made by Commission to bring this unhappy dispute to satisfactory close. Commission hopes shortly to be able to announce definite progress or else definite programme for future action.

WHITE

724.3415/26261 : Telegram

The Chairman of the Commission of Neutrals (White) to the President of the Council of the League of Nations (De Valera)

[Translation]

WASHINGTON, December 15, 1932.

The Commission of Neutrals has the honor to transcribe to Your Excellency a copy of the cablegram which it is sending today to Governments Bolivia and Paraguay proposing to them that they accept cessation of hostilities and bases equitable arbitration.

[Here follows text of telegram dated December 15, 1932, from the Commission of Neutrals to the Bolivian Minister for Foreign Affairs, printed on page 126.]

The Commission of Neutrals would greatly appreciate counting on the valued support of the League in this labor of peace and humanity. The liberty is taken of suggesting advisability that Your Excellency and the Governments members of the League support in cablegrams to Governments Bolivia and Paraguay proposals referred to, and would appreciate this Commission being advised.

WHITE

⁴⁴ *Ante*, p. 254.

724.3415/2651 : Telegram

*The Secretary General of the League of Nations (Drummond)
to the Chairman of the Commission of Neutrals (White)*

GENEVA, December 17, 1932.

[Received 2:10 p. m.]

Council instructed me thank you your telegram of 16th [15th] instant and to express its profound satisfaction with its terms. At meeting held today it decided to assist your Commission's most valuable endeavours and to urge upon parties solution proposed by Commission with view to general settlement of Chaco problem. Council has throughout followed your efforts with appreciation and wholeheartedly supports your present action. It has decided to despatch to two parties today the following telegram:

"Neutrals Commission at Washington has just communicated to Council text of convention which it is submitting to your Government in order to put end to bloodshed in Chaco and to arrive by pacific means at final settlement of dispute between Bolivia and Paraguay. Under the Covenant of which your Government is signatory Council is responsible for maintenance of peace and it hereby earnestly appeals to your Government in name of all League members to accept as speedily as possible convention proposed by Neutrals Commission. Council is confident that your Government will bear in mind solemn and binding character of obligation to maintain peaceful relations which it has assumed as League member. It considers that proposal of Neutrals Commission provides honourable and just settlement of question and that by loyal acceptance and observance thereof both parties will acquit themselves of duties incumbent upon them by virtue of Covenant."

Council would be glad be kept informed of any developments regard to Commission's important proposals.

DRUMMOND

724.3415/2707

*The Irish Minister (MacWhite) to the Chairman of the Commission
of Neutrals (White)*

WASHINGTON, 17 December, 1932.

MY DEAR MR. WHITE: I have received from the President of the Council of the League of Nations the following confidential despatch in code for transmission to you:—

"Council Committee asks me to state that they feel strongly prompt despatch of Commission to be set up under point five would greatly contribute to ensure success of your Committee's scheme."

Yours sincerely,

M. MACWHITE

724.3415/2651 : Telegram

The Chairman of the Commission of Neutrals (White) to the President of the Council of the League of Nations (De Valera)

WASHINGTON, December 20, 1932.

Neutral Commission desires thank you for very wholehearted support given its proposal to Bolivia and Paraguay. Commission feels proposal offers both parties honorable means to stop immediately hostilities and proceed with arbitral settlement. Observations made so far by both parties indicating certain dissatisfaction on their part with proposal strengthens feeling of Commission that proposal is fair and equitable to both.

Your support is profoundly appreciated by Neutral Commission which will advise you of important developments.

WHITE

724.3415/2707

The Chairman of the Commission of Neutrals (White) to the Irish Minister (MacWhite)

WASHINGTON, December 23, 1932.

DEAR MR. MINISTER: I have your letter of December seventeenth. The position of the Commission of Neutrals is as it has always been, namely, that it is futile to send any commission to the Chaco until both parties agree thereto. If the proposal of the Neutral Commission of December fifteenth is accepted by the two parties, a commission will be sent. Until that time nothing can be gained thereby.

Yours, sincerely,

FRANCIS WHITE

724.3415/2716a : Telegram

The Chairman of the Commission of Neutrals (White) to the Secretary General of the League of Nations (Drummond)

WASHINGTON, December 31, 1932.

Bolivian Government has expressed its acceptance in principle of proposal of Neutral Commission of December 15th as basis for discussion to arrive at an arrangement assuring peace and Bolivian delegate has stated his readiness to renew negotiations on this basis.

Paraguayan Government stated that proposal does not give assurance that fighting will not be resumed and demands complete evacuation of Chaco by Bolivia, the limits of which are not agreed to

by the Bolivian and Paraguayan Governments. Neutrals in reply have pointed out this lack of agreement as to the Chaco territory and the fact that they are not judges passing on the titles of either party to the Chaco but are merely offering way out by separating the troops to such extent as to give definite assurances that fighting will not be resumed, reenforcing this security by sending a neutral commission to the Chaco, and providing for arbitral settlement which, if accepted, will proceed automatically to definitive solution of matter. Neutral Commission furthermore pointed out that Paraguay on September 16th herself suggested withdrawal of Paraguayan troops to Paraguay River and in August accepted that hostilities be stopped on the basis of the positions of June 15th which was more or less in the region of the 60th meridian of longitude west of Greenwich. The troops, however, would have been left facing one another. Under present neutral proposal both sides would withdraw about $2\frac{1}{2}$ degrees of longitude from where fighting is now taking place, making contact between the troops impossible and hence giving Paraguay far greater security than she was willing to accept last August. However, Paraguay has now withdrawn its delegate.

In view of this situation Neutral Commission has inquired of the four countries neighboring on Bolivia and Paraguay what steps they would be prepared to take in order to prevent further bloodshed. Neutral Commission is convinced that the nations of America working in common accord can preserve peace in this hemisphere and have asked the active cooperation of the four countries nearest the scene of hostilities.

Neutral Commission will be glad to keep you advised of developments and to make any suggestions for cooperation which might later be pertinent.

WHITE

PROPOSAL BY THE ARGENTINE GOVERNMENT FOR AN ANTI-WAR TREATY ¹

724.3415/2090 9/4

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] August 22, 1932.

The Argentine Ambassador called and showed me telegrams from his Government indicating that it was pleased with the statement made by Mr. Bliss and on the basis thereof would take much pleasure in supporting in La Paz the efforts of the Neutral Commission.²

Mr. Espil said that his Embassy was now decoding a long message from Mr. Saavedra Lamas in which the latter was sending him the outline of a proposal which he has in mind for supplementing and extending the Kellogg-Briand Pact.³ He was asking Mr. Espil's views regarding it and, before anything is said to the United States, Mr. Saavedra Lamas will discuss the matter with the Brazilian, Chilean and Peruvian Governments. Mr. Espil said he would let me know more about it when it is deciphered.

F[RANCIS] W[HITE]

724.3415/2158 5/6

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] August 30, 1932.

The Argentine Ambassador, Mr. Espil, called and showed me a cable from his Government which said that in view of the fact that Mr. Culbertson in Santiago had found out about the proposed Argentine pact along the lines of the Kellogg Pact and the Locarno Treaty⁴ the Minister of Foreign Affairs was sending Espil by air-

¹ See *Proyecto de Tratado Antibelico Sudamericano (No-agresion y Conciliacion)* in Republica Argentina, Ministerio de Relaciones Exteriores y Culto, *Memoria Presentada al Honorable Congreso Nacional correspondiente al periodo 1932-1933* (Buenos Aires, 1933), tomo I, pp. 148-244.

² See telegram No. 78, August 19, 7 p. m., from the Ambassador in Argentina, p. 186.

³ *Foreign Relations*, 1928, vol. I, p. 153.

⁴ For texts of the agreements signed at Locarno, October 16, 1925, see League of Nations Treaty Series, vol. LIV, pp. 289 ff.

mail copies of this document to submit to the Department. Their plan had been to take it up with the four neighboring countries first and, after getting their agreement, then to submit it to the Department, but in view of this fact they were sending it up now.

F[RANCIS] W[HITE]

710.1012 Anti-War/11

The Argentine Ambassador (Espil) to the Secretary of State

[Translation]

D. E. No. 66

WASHINGTON, September 21, 1932.

MR. SECRETARY OF STATE: I have the honor to address Your Excellency, enclosing herewith the draft of an anti-war treaty of non-aggression and conciliation which the Argentine Government has formulated in order to propose it to the countries which have subscribed to the agreement of August 3, 1932.⁵

Its principal purpose is to give a character of permanency to and establish in organic form the agreement of wills which that noble international act signified which has come to establish the bonds which unite the countries of America.

It is also proposed to strengthen the Kellogg-Briand Pact, adapting it to the Covenant of the League of Nations⁶ and to the various resolutions of the Pan American Conferences, and thus facilitate its universal application.

My Government believes that this Draft Anti-war Treaty which aids in enlarging the radius of the application of the initiative of the United States, will merit its approval and adhesion.

I take this opportunity [etc.]

FELIPE ESPIL

[Enclosure—Extract—Translation] †

Draft of a South American Anti-War Treaty (Non-Aggression and Conciliation)

In an endeavor to contribute to the consolidation of peace, and in order to express their adherence to the efforts that all civilized nations have made to further the spirit of universal harmony;

⁵ *Ante*, p. 159.

⁶ *Treaties, Conventions, etc.*, 1910-1923, vol. III, p. 3336.

† The enclosure is a pamphlet entitled *Proyecto de Tratado Antibelicó Sudamericano (No-Agresion y Conciliacion)*, published by República Argentina, Ministerio de Relaciones Exteriores y Culto (Buenos Aires, 1932). It consists of two parts, the *Proyecto*, and the *Exposicion de Motivos*. Only a translation of the *Proyecto* is printed here.

In despatch No. 1856, November 9, the Ambassador in Argentina reported that the Argentine Minister for Foreign Affairs indicated that the treaty might be called a Pan American treaty just as well as South American, this designation having been used merely to indicate its origin. (724.3415/2538)

To the end of condemning wars of aggression and territorial acquisitions secured by means of armed conquest and of making them impossible, of sanctioning their invalidity through the positive provisions of this Treaty, and in order to replace them with pacific solutions based upon lofty concepts of justice and equity;

Being convinced that one of the most effective means of insuring the moral and material benefits the world derives from peace, is through the organization of a permanent system of conciliation of international disputes, to be applied upon a violation of the hereinafter mentioned principles;

Have decided to record, in conventional form, these aims of non-aggression and concord, through the conclusion of the present Treaty, to which end they have appointed as their Plenipotentiaries:

His Excellency the President of the Argentine Republic,

Who, after having communicated their respective full powers, which were found in good and due form, have agreed on the following provisions:

ARTICLE I

The High Contracting Parties solemnly declare that they condemn wars of aggression in their mutual relations, and that the settlement of disputes and controversies shall be effected only through the pacific means established by International Law.

ARTICLE II

They declare that territorial questions must not be settled by resort to violence and that they shall recognize no territorial arrangement not obtained through pacific means, nor the validity of an occupation or acquisition of territory brought about by armed force.

ARTICLE III

In case any of the Parties to the dispute fails to comply with the obligations set forth in the foregoing articles, the Contracting States undertake to make every effort in their power for the maintenance of peace. To that end, and in their character of neutrals, they shall adopt a common and solidary attitude; they shall exercise the political, juridical or economic means authorized by International Law; they shall bring the influence of public opinion to bear; but in no case shall they resort to intervention either diplomatic or armed. The attitude they may have to take under other collective treaties of which said States are signatories, is excluded from the foregoing provisions.

ARTICLE IV

The High Contracting Parties, with respect to all controversies which have not been settled through diplomatic channels within a reasonable period, obligate themselves to submit to the conciliatory procedure created by this Treaty, the disputes specifically mentioned, and any others that may arise in their reciprocal relations, without any further limitations than those recited in the following Article.

ARTICLE V

The High Contracting Parties and the States which may hereafter accede to this Treaty, may not formulate at the moment of signing, ratifying or adhering thereto, limitations to the procedure of Conciliation other than those indicated below :

a) Controversies for the settlement of which pacifist treaties, conventions, covenants, or agreements, of any nature, have been concluded. These shall in no case be deemed superseded by this Treaty; to the contrary, they shall be considered as supplemented thereby insofar as they are directed to insure peace. Questions or issues settled by previous treaties are also included in the exception.

b) Disputes that the Parties prefer to settle by direct negotiation or through submission to an arbitral or judicial procedure by mutual consent.

c) Issues that International Law leaves to the exclusive domestic jurisdiction of each State, under its constitutional system. On this ground the Parties may object to their being submitted to the procedure of conciliation before the national or local jurisdiction has rendered a final decision. Cases of manifest denial of justice or delay in the judicial proceedings are excepted, and should they arise, the procedure of conciliation shall be started not later than within the year.

d) Questions affecting constitutional provisions of the Parties to the controversy. In case of doubt, each Party shall request its respective Tribunal or Supreme Court, whenever vested with authority therefor, to render a reasoned opinion on the matter.

At any time, and in the manner provided for in Article XV, any High Contracting Party may communicate the instrument stating that it has partially or totally dropped the limitations set thereby to the procedure of conciliation.

The Contracting Parties shall deem themselves bound to each other in connection with the limitations made by any of them, only to the extent of the exceptions recorded in this Treaty.

ARTICLE VI

Should there be no Permanent Commission of Conciliation, or any other international body charged with such a mission under previous Treaties in force, the High Contracting Parties undertake

to submit their controversies to examination and inquiry by a Commission of Conciliation to be organized in the manner hereinafter set forth, except in case of an agreement to the contrary entered into by the Parties in each instance:

The Commission of Conciliation shall consist of five members. Each Party to the controversy shall appoint one member, who may be chosen from among its own nationals. The three remaining members shall be appointed by agreement of the Parties from among nationals of third nations. The latter must be of different nationalities, and shall not have their habitual residence in the territory of the Parties concerned, nor be in the service of either one of them. The Parties shall select the President of the Commission of Conciliation from among these three members.

Should the Parties be unable to agree, they may request a third nation or any other existing international body to make those designations. Should the nominees so designated be objected to by the Parties, or by any of them, each Party shall submit a list containing as many names as vacancies are to be filled, and the names of those to sit on the Commission of Conciliation shall be determined by lot.

ARTICLE VII

Those Tribunals or Supreme Courts of Justice vested by the domestic law of each State with authority to interpret, as a Court of sole or final recourse and in matters within their respective jurisdiction, the Constitution, the treaties or the general principles of the Law of Nations, may be preferred for designation by the High Contracting Parties to discharge the duties entrusted to the Commission of Conciliation established in this Treaty. In this event, the Tribunal or Court may be constituted by the whole bench or may appoint some of its members to act independently or in Mixed Commissions organized with justices of other Courts or Tribunals, as may be agreed by the Parties to the controversy.

ARTICLE VIII

The Commission of Conciliation shall establish its own Rules of Procedure. These shall provide, in all cases, for hearing both sides.

The Parties to the controversy may furnish, and the Commission may request from them, all the antecedents and data necessary. The Parties may be represented by Agents, with the assistance of Counsel or experts, and may also submit every kind of evidence.

ARTICLE IX

The proceedings and discussions of the Commission of Conciliation shall not be made public unless there is a decision to that effect,

assented to by the Parties. In the absence of any provision to the contrary, the Commission shall adopt its decisions by a majority vote; but it may not pass upon the substance of the issue unless all its members are in attendance.

ARTICLE X

It is the duty of the Commission to procure a conciliatory settlement of the disputes submitted to it. After impartial consideration of the questions involved in the dispute, it shall set forth in a report the outcome of its work and shall submit to the Parties proposals for a settlement on the basis of a just and equitable solution. The report of the Commission shall, in no case, be in the nature of a decision or arbitral award, either in regard to the exposition or interpretation of facts or in connection with juridical considerations or findings.

ARTICLE XI

The Commission of Conciliation shall submit its report within a year to be reckoned from the day of its first sitting, unless the Parties decide, by common accord, to shorten or extend that term.

Once started, the procedure of conciliation may only be interrupted by a direct settlement between the Parties, or by their later decision to submit, by common accord, the dispute to arbitration or to an international court.

ARTICLE XII

On communicating its report to the Parties, the Commission of Conciliation shall fix a period of time, which shall not exceed six months, within which the Parties shall pass upon the bases of settlement it has proposed. Once this period of time has expired the Commission shall set forth in a final act the decision of the Parties.

Should the period of time lapse without the Parties having accepted the settlement, nor adopted by common accord another friendly solution, the Parties to the controversy shall regain their freedom of action to proceed as they may see fit within the limitations set forth in Articles I and II of this Treaty.

ARTICLE XIII

From the outset of the procedure of conciliation until the expiration of the term set by the Commission for the Parties to make a decision, they shall abstain from any measure which may prejudice the carrying out of the settlement to be proposed by the Commission and, in general, from every act capable of aggravating or prolonging the controversy.

ARTICLE XIV

During the procedure of conciliation the members of the Commission shall receive honoraria in the amount to be agreed upon by the Parties to the controversy. Each Party shall bear its own expenses and a moiety of the joint expenses or honoraria.

ARTICLE XV

This Treaty shall be ratified by the High Contracting Parties, as soon as possible, in conformity with their respective constitutional procedures.

The original Treaty and the instruments of ratification shall be deposited in the Ministry of Foreign Affairs of the Argentine Republic which shall give notice of the ratifications to the other Signatory States. The Treaty shall enter into effect for the High Contracting Parties in the order in which they deposit their ratifications.

ARTICLE XVI

Any State not a signatory of this Treaty may adhere to it by sending the appropriate instrument to the Ministry of Foreign Affairs of the Argentine Republic, to the end that it may notify the other Contracting States.

ARTICLE XVII

This Treaty is concluded for an indefinite period, but it may be denounced by means of one year's previous notice at the expiration of which it shall cease to be in force as regards the Party denouncing the same, but shall remain in force as regards the other signatories. Notice of the denunciation shall be addressed to the Ministry of Foreign Affairs of the Argentine Republic which will transmit it to the other High Contracting Parties.

In witness whereof, the above mentioned Plenipotentiaries have signed this Treaty.....

710.1012 Anti-War/11

Memorandum by the Secretary of State

[WASHINGTON,] September 22, 1932.

The Argentinian Ambassador came in to present me with copies of an anti-war treaty which was being proposed by his country. He submitted a letter and copies of the proposed treaty, which are annexed hereto.⁸

⁸ *Supra.*

I took occasion to tell the Ambassador two things.

First, I called to his attention the fact that the Kellogg-Briand Pact was an anti-war treaty which had been executed by practically all the nations in the world except Argentina and one or two others. I told him we regarded that treaty as a great effort towards peace, made by the nations of the world who had suffered so much in the World War as a final effort to make a recurrence of such a disaster impossible. I told the Ambassador that I wished his government would, if it felt desirous of joining in any movement to prevent war, give consideration to joining this already existing treaty which we believed to be so potent and effective. He said that the treaty proposed was in some respects different from the Kellogg Treaty and more far-reaching. I told him I would read it but I hoped that he would bear my suggestion in mind and if he thought well of it to convey it to his government.

Second, I said while I was on this subject I should like to call his attention to the situation in Salvador;⁹ that in 1923 the five Central American Republics had entered into a treaty¹⁰ not to recognize any government that should come into effect in any one of them by revolution, and that they did this as a means of protection against the frequency of revolution. I said they had asked us to adopt the same policy in dealing with each of the five republics; that my predecessor, Mr. Hughes, had agreed to do so, and that we had followed that policy unvaryingly since. I said in every case our action had been in harmony with that of the four neutral republics in the matter concerned, and that the results of the treaty for the nine years during which it had been in effect had been beneficial and had restricted attempts at revolution; that it differed from our policy of recognition in regard to the rest of the world, but it was an exception which had been suggested by these countries themselves, and in the interest of self-determination and autonomy in that locality, particularly as it seemed to work well, we had agreed to follow it so long as they did. I told him that recently I had learned to my regret that his government was said to be seeking to organize a movement in South America to recognize Mr. Martínez. I said that hitherto all the South American countries had followed the same policy in regard to this case as we and the four Republics of Guatemala, Honduras, Nicaragua and Costa Rica;¹¹ that I regretted there should be this threatened divergence of policy, and I thought that it would tend to break down an honest

⁹ See pp. 566 ff.

¹⁰ General Treaty of Peace and Amity, signed February 7, 1923, *Conference on Central American Affairs, Washington, December 4, 1922-February 7, 1923* (Washington, Government Printing Office, 1923), p. 287.

¹¹ See pp. 330 ff.

attempt by these five republics to discourage revolution. The Ambassador said he had not heard of this, and he was evidently quite disturbed at the news. . . . I told the Ambassador I did not want to give him trouble and if he preferred I could send the communication through Bliss. He said no, he would try to do it himself.

HENRY L. STIMSON

710.1012 Anti-War/10 ½

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] October 5, 1932.

Mr. Espil called and asked what the progress is on our consideration of Saavedra Lamas' Anti-War Pact. I told him that we had received the papers from him about ten days or so ago as he knew and that they had gone through the usual routine of being indexed and sent to the proper offices for their information and for the preparation of an acknowledgment. I told him that an acknowledgment of his note would go to him today; that then the matter would be submitted in due course to the Department's advisers, and that when they have made their study I would give the matter further consideration. I told him that a study of the treaty is apt to take some time and they should not expect anything from us within the next couple of months.

Mr. Espil said that he would like to have my reaction on it, independent of any recommendations our technical people may make, so that he could report to his Government. I told him that he might say that I was not inhospitable to the idea of such a treaty but the treaty appeared to have been rather hastily drawn up and I thought if we proceeded with it we would want to suggest a good many modifications. I also told him that after we had determined our view regarding the treaty we might possibly want to consult some of the other American Governments before giving him an answer.

F[RANCIS] W[HITE]

724.3415/2683 5/11

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 22, 1932.

Mr. Espil came in and discussed the Chaco situation¹² and asked that some action be taken on the Saavedra pact as Argentina had supported the recent neutral proposal. I said that as I had told him

¹² See pp. 8 ff.

earlier, if Argentina plays the game and supports this project all the way through so that we get a settlement, we will then discuss with him ways in which the pact could be modified in order to make it worthwhile signing. Espil wanted some action right away and I told him that that would be impossible . . .

Espil told me that he did not think that Soler¹³ would withdraw. He said it was his opinion that Soler thought our proposal a pretty good one and a fair one. I told him that when I had been discussing the matter with Soler, before definitely making the proposal, I had asked him if he did not think it fair, and that Soler had replied that he could not say that it was not a fair proposal but he thought that his Government would be very reluctant to accept any policing of the territory south of the line by Bolivia. . . .

F[RANCIS] W[HITE]

¹³ Dr. Juan José Soler, Paraguayan delegate to the Bolivian-Paraguayan conference for the negotiation of a non-aggression pact; see telegram dated December 20, from the Commission of Neutrals to the Paraguayan Minister for Foreign Affairs, p. 132.

THE LETICIA DISPUTE BETWEEN COLOMBIA AND PERU

721.23/6 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, September 2, 1932—5 p. m.

[Received 6:40 p. m.]

131. Yesterday a group of Peruvian Apristas from Loreto seized the Colombian port of Leticia on the Amazon. There is doubt about the loyalty of the Prefect at Iquitos, who apparently desires to go to the assistance of the Apristas by sending a launch with soldiers to Leticia. The President last night called Colombian Minister to the Palace and has convinced the Minister he will cooperate with him in every possible way to prevent the incident from becoming serious. The President regards it as a political plot intended to embarrass the Government, distract attention and prepare the way for an Aprist-Communist outbreak in Lima.

The Minister states the President is most conciliatory and cooperative and that if the Prefect is loyal nothing will probably come of the incident, but he has seriously warned the President that the sending of a launch from Iquitos by the Prefect might lead to war. He regards the situation as menacing and fully informed his Government concerning it at midnight and this morning.

The Minister fears an extremely adverse reaction in the Colombian Congress toward President Olaya, the former Colombian Minister in Liverpool, [*sic*] his father and himself because the river gunboats are somewhere away on the Putumayo and the guards at Leticia had been reduced to almost nothing, thus leaving the place unprotected and practically abandoned. He thinks that if the gunboats had been there, no incident would have occurred; Apristas captured an *intendente*, four employees and only one gendarme.

The Minister states Lauriano Gomez will very likely make this situation the basis for violent attack on the Government and expresses his inability to understand why the Colombian Government has paid so little attention to his repeated warnings that Leticia must be adequately held and air and radio service be established.

Further report by mail unless Department desires details by telegraph.

Lozano has not yet heard from his Government but in cabling Bogotá has stressed Sanchez Cerro's fairmindedness and desire to keep the affair within bounds and close the incident. There seems no doubt that Sanchez Cerro is sincere in wishing to avoid any re-opening of the boundary question with Colombia in spite of the fact that *Comercio* and numerous people in Peru would like to stir up the matter.

Repeated to Bogotá.

DEARING

721.23/6 : Telegram

The Acting Secretary of State to the Ambassador in Peru (Dearing)

WASHINGTON, September 3, 1932—4 p. m.

50. Your 131, September 2, 5 p. m. Our Legation at Bogotá has cabled that President Olaya is very much concerned over this matter as to its possible serious effects both internally and internationally. Olaya devoutly wishes to maintain peace and will make every effort to keep the news from the public in Colombia. He believes that the Peruvian Government should issue immediately a statement disavowing the movement and should give definite instructions to the Peruvian officials on the border to give no support to the uprising and attempt to prevent shipment of arms. Colombian Minister in Washington, under instructions from his Government, has just come in to discuss the matter and to express the great anxiety of his Government.

Please see Sanchez Cerro and say very discreetly to him, on the ground of the great friendship which the United States has for both Peru and Colombia, that we hope he will take every possible step to prevent this situation from becoming serious. In order to prevent any misunderstanding of its position in this matter and the possible development of a very difficult situation, it would seem highly important for the Peruvian Government immediately to disavow the attack on Leticia and to take energetic measures to see that no arms or other assistance are sent from Peru to those occupying the town.

Please report by cable all developments and repeat your messages to Legation at Bogotá. Have you any information as to size and loyalty of the garrison at Iquitos? For your information Colombian Minister says his Government understands that the Prefect at Iquitos has reported to Lima that "the patriotic movement" to support the capture of Leticia is rapidly growing.

ROGERS

721.23/14 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

Lima, September 3, 1932—11 p. m.
 [Received September 4—8:02 a. m.]

134. Leticia. My 131, September 2, 5 p. m., 133 of September 2, noon,¹ and Department's urgent 50, September 3, 4 p. m. Conferred with Colombian Minister this afternoon and President at 9:30 today.

The news regarding Leticia is apparently widely known here despite strict censorship and United Press despatches state it has been made public in Bogotá by the Foreign Minister.

It now appears that a real revolutionary movement has taken place at Iquitos possibly with connivance of former prefect, Ugarte, and that the Government is considerably in the dark. Until it knows more of the situation, it would seem difficult for it to make a public statement disassociating the attack upon Leticia, as that might complicate its own internal situation. It is difficult to estimate the precise size in Peru of the uprising in Loreto, but that [*the?*] possibilities are ominous. The President states positively his Government was taken completely by surprise by the action of certain Peruvian individuals, that the Government is busily engaged in dealing with the matter and will do its duty but refuses to be more specific.

There is no such thing as using discretion with Sanchez Cerro. At the very first mention of our friendly hope the President became stubborn, defiant and uncommunicative and but little information was to be got out of him. He insisted the matter was purely domestic, although he had stated the moment before that the Government knew but little about it and was investigating. He assured me it had no international character whatever, although he had just admitted that Peruvian individuals had seized a "practically unprotected" Colombian port seeming to think this rather an excuse for what had occurred. He inquired testily whether our Government was "mixing into this matter", to which I replied that our sincere friendship for Peru and Colombia warranted an expression of the hope that no serious international consequences would flow from the incident and that of course we wish to prevent any possibility of a conflict. I cited Peru's interest in the Chaco dispute² as a parallel but he refused to see it. I told him his word "mixing-in" did not seem friendly to me and carried disagreeable implications and told him he had not comprehended what I was saying to him. Whereupon he denied intending any unfriendliness but his manner belied his words.

¹ No. 133 not printed.

² See pp. 8 ff.

The President is frequently thus on the defensive. He assured me Peru was a serious Government, that it knew its duty and would perform it, was giving careful attention to the situation, that the incident was purely a police matter, that I could say that Peru was doing everything the situation required. Eventually the President stated that the trouble was due to communists and then got away from the immediate subject and launched into a long explanation of his Government's repressive policy towards communism.

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The Embassy learns from an apparently trustworthy source that the Peruvian gunboat *America* with Peruvian soldiers has left Iquitos for the "frontier", that those attacking Leticia were chiefly civilians and that an important Government official is due this evening from Iquitos and supposed to be bringing important data. This source reports the Peruvian and Colombian Governments to have agreed to call the movement communistic and to "join armed forces" to capture the authors. The Director of Government, Guzman Marquina, did not go to Iquitos.

My Colombian colleague saw the Foreign Minister yesterday afternoon and was informed the Peruvian Government repudiated the incident at Leticia. The Foreign Office disclosed that what had taken place was really an uprising at Iquitos and that the attack on Leticia was part of a larger movement. The rebels have deposed the former prefect, Ugarte, and taken him prisoner but it is believed that Ugarte was friendly to them and that this is merely a maneuver. The Foreign Minister said the Government was doing everything it could to put down the revolution and disclosed that the chief of the rebels has telegraphed the Government declaring the movement not to be a revolution but a "patriotic" uprising for the purpose of recovering Peruvian territory. The Foreign Minister stated the Government was sending a commissioner to handle the situation. Whereupon the Colombian Minister said he must be a good man of outstanding reputation. It was suggested first that the Minister of War should go but finally Hoyos Osoros was chosen and he will also take over the prefecture.

The Foreign Minister requested the Colombian Minister to ask his Government to aid in every possible way towards minimizing the affair and bringing it to an end but asked him to understand the Peruvian difficulties, meaning, I understand, that since the Government was largely in the dark as to what had taken place in Iquitos and there seemed to be a revolutionary outbreak there and this outbreak is declared by its leader to be "patriotic", it should be excused from making a public disclaimer as that might complicate the Gov-

ernment's situation within Peru. The Colombian Minister communicated the foregoing to his Government last night but says that on the subject of whether or not a gunboat had been despatched the Foreign Minister had remarked that the orders were that none should be sent. The Minister pointed out however that the Central Government apparently could not secure the execution of its orders by whoever is now in authority at Iquitos. He declared that if the Peruvian [*Colombian?*] gunboats from Putumayo return and find a Peruvian gunboat in Colombian waters there will certainly be a clash.

Colombian Minister has received various cables of instructions from his Foreign Minister and apparently from President Olaya-Herrera. He says the Colombian Government is gratified by the attitude of the Peruvian Government and that it is rushing measures for the recapture and control of Leticia. The Colombian Consul Manaos cables that the attack on the Leticia was carried out by 300 civilians under the leadership of the chief of the garrison at Chimbote.

As I was talking to the Colombian Minister the Department's 50, September 3, 4 p. m., arrived and I gave him the substance of it. He thought it doubtful whether Sanchez Cerro could or would make the disavowal the Department suggests but said that if Sanchez Cerro would make such a disavowal to me it would be most encouraging. We are justified I believe in considering the President's repeated statement to me that certain individuals operating on their own responsibility had, in making attack on Leticia, taken the Government completely by surprise as a disavowal of responsibility although it lacks the positive and public character it should have. His statement is nevertheless valuable as it seems warranted from such of the background as we have to believe that the Central Government did not instigate the attack, does not condone it and is apparently endeavoring to dominate the situation.

The Colombian Minister saw the Foreign Minister again today and was informed that Major Abad had left with Hoyos Osoros for Iquitos to take command of the Government forces there but this can only be done if the rebels agree. Osoros and Abad travel via Puerto Melendez and should reach Iquitos 10 hours after leaving Lima. The Minister stated that the revolutionary junta had telegraphed Lima that the movement was "patriotic national". The Foreign Minister said that he was waiting for further news and did not know what would happen.

The Colombian Minister commented to me that the situation was extremely uncertain and very peculiar, that apparently Peruvians of

one kind or another will be in control at Leticia until Colombian forces arrive. He believes Iquitos uprising may be part of an aprista, or the first phase of a military uprising which will later have echoes elsewhere in Peru or that it may be purely local affair. He has heard that conspiring is going on in the Army and says that if the question of patriotism is put up to the President in the form that he must support the military movement at Iquitos or get out of office there will be serious consequences in Peru.

The Colombian Minister has had but one message from the Colombian Consul at Iquitos, received yesterday, but dated the 1st, saying that the public gathering at Iquitos had terminated calmly, that the attack on Leticia had taken place at midnight on the 31st, and that the orator addressing the gathering had stated that the Leticia attack had been planned at Iquitos.

The Foreign Minister told the Colombian Minister the President had especially charged him to say he was sorry to have had to stop the Colombian Minister's cable. The Minister explained that he had sent none and surmises that possibly the open United Press message from Bogotá, substance of which was given in my 131 of September 2, 5 p. m., was stopped because of the censorship on news about Leticia in Peru and because the Peruvian Government was not yet ready to have reports printed as to its position. The Foreign Minister has informed the Brazilian Minister that the attack on Leticia was due to apristas and that the Government would settle with them.

The Colombian Minister has been informed there are 700 Peruvian troops in or near Iquitos but he thinks this figure greatly exaggerated.

Repeated to Bogotá.

DEARING

721.23/76

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] September 9, 1932.

The Colombian Minister, Mr. Lozano, called and discussed the relations between Colombia and Peru with reference to the recent attack by about 300 Peruvians on the Colombian town of Leticia on the Amazon. He told me that a recent note received by the Colombian Minister in Lima from the Peruvian Government stated that the Leticia incident had arisen in an unexpected form and spoke of the Peruvian intention to try to calm the situation created by the national aspirations regarding the Peru-Colombian frontier. The Minister stated that the Peruvian Government apparently believed that it should not combat but try to modify the national aspirations contrary to solemn public treaties, approved, ratified, and, until the last of

August, complied with by Peru. This is the attitude which Peru has taken regarding the acts of piracy and assault in Leticia.

The Minister stated that he had received a cable from President Olaya in which the latter said that Colombia demands only the loyal and frank respect of treaties and declares that its relations with Peru are based on treaties which bind the two countries and that as regards the pending matter Colombia demands complete control of the Colombian authorities in all the national territory.

The Minister said that Colombia was very gratified at the attitude the United States had taken in this matter and the help that we had given through our Ambassador in Lima. The Colombian Government now thought that it would be helpful, however, if the Secretary would talk with the Peruvian Ambassador regarding this violation of the treaty.

I told the Minister that I did not think he could count on our doing anything else for them in Peru. We have made our position clear and we are glad to do this. However our action in the matter had at first been considerably resented by President Sanchez Cerro and I doubted whether it would really help the situation from the Colombian point of view should we take the matter up further along that line. I said that of course Ambassador Freyre is a very reasonable man and I saw no objection to discussing the matter with him. The Minister said that even though President Sanchez Cerro might have appeared annoyed at our taking an interest in the matter, nevertheless our interest had helped the situation immensely because it showed the Peruvians that their action was being watched and made them more careful. He said that he had great admiration for Mr. Freyre also but that it would be necessary to speak pretty frankly with him in order to have him make any worthwhile representations to his own Government as he always minimizes a situation and for that reason he hoped that we would make our representations to him as strong as possible.

F[RANCIS] W[HITE]

721.23/54 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, September 13, 1932—9 p. m.

[Received September 14—1 a. m.]

160. Leticia, repeated to Bogotá. My 159, September 12, 9 p. m.³

1. Cabinet, President, Constituent Assembly are all giving close attention to Loreto situation and the new Foreign Minister is taking it up at once with the Diplomatic Commission of Assembly tomorrow.

³ Not printed.

2. In a conversation today President of the Diplomatic Commission, Dr. Manzanillo, informs me he thinks that our Government could greatly aid peaceful solution of the problem by influencing Colombia to receive proposals for the revision of the Salomón-Lozano treaty,⁴ meantime withholding efforts to reestablish itself at Leticia. I said that I could not imagine Colombia's responding to any such suggestions in the way Peru desired.

3. Dr. Manzanillo declared that it will be impossible for the Peruvian Government to remain quiet while Colombia regains Leticia, as the whole of Loreto would go to the aid of the city and the administration would be unable to restrain them, since Peruvian public opinion condemns treaty and it would take from six to eight thousand men to dominate Loreto.

4. Manzanillo argued Colombia did not need and could not develop Leticia district, should consider Peruvian internal difficulties, be receptive to suggestions and be willing to enter upon discussions. I told him I thought Colombian Government would not consider such proposals and inquired whether the internal situation in Peru was really so dangerous that a public disavowal which would confine and minimize the importance of the incident could not be made.

5. Manzanillo replied incident was like Fiume, criticised circumstances under which treaty was made and said withdrawal of Peruvians from Leticia could not be thought of.

6. I told Manzanillo his ideas seemed to me impossible of realization but that I would be glad to have a written statement of his point of view, as our Government would be extremely anxious to understand Peruvian Government's position. He promised to supply such a statement.

7. Assembly and the administration impress me as being busily engaged in making up a case which will justify independent action in case Colombia does not cooperate according to Peruvian ideas.

DEARING

721.23/54 : Telegram

The Secretary of State to the Ambassador in Peru (Dearing)

WASHINGTON, September 15, 1932—noon.

55. Your 160, September 13, 9 p. m. For your personal information following are the considerations which make it impossible for the Department to comply with Manzanillo's request. However unpopu-

⁴ Between Colombia and Peru, signed March 24, 1922, League of Nations Treaty Series, vol. LXXIV, p. 9; see also *Foreign Relations*, 1923, vol. I, pp. 351 ff.

lar the Salomón-Lozano treaty may have been, it is a fact that it was ratified by both countries⁵ and has been in force for some years. If Peru had desired to modify this treaty there is no reason why she should not have requested Colombia to consider negotiations to that end. To do so now, however, after a Colombian town has been captured by Peruvians and to say that it will be impossible for the Peruvian Government to remain quiet while Colombia reestablishes her control over territory Peru has recognized as Colombian, is to make all international treaties and agreements absolutely valueless and is directly contrary to the declaration of the American republics of August 3,⁶ a declaration which was subscribed to by Peru. In fact, Peru was the first of the American countries to agree to the proposal of the Neutral Commission that that declaration be made.

The present is a time of great unrest and disquiet throughout the world and it is to the interest of all Governments to try to maintain order and stability not only internally but in their foreign relations as well. There is not a country in South America that has not had serious boundary disputes in the past, almost all of which have fortunately been settled by peaceful agreements. To start reopening these questions now by the use of force can only lead to chaos. In this connection the Department was advised early in the summer by a distinguished Peruvian of the consternation caused in Peru by statements alleged to have been made by one of the recent provisional regimes in Chile⁷ that it intended to revise the Tacna-Arica settlement.⁸ If this is correct, Peru should be able to realize the effect which its present action may well have in Colombia.

The orderly procedure to follow in this case would seem to be to disavow the occupation of Leticia and assist in restoring Colombian authority there or at the very least to do nothing to thwart the reestablishment by Colombia of its jurisdiction. After this has been done Peru could then consider whether it felt that its interests required that it should ask Colombia to negotiate with it in an orderly way for a possible revision of the treaty. The important point, however, is that the treaty is in force, is valid, and should be respected, and that no change in it should be sought other than through peaceful negotiations. To endeavor to negotiate on the basis of the occupation of Leticia by Peru is in effect to consider the boundary treaty a scrap of paper and a repudiation of the declaration of August 3 within 6 weeks after Peru signed it. Bogotá informed.

STIMSON

⁵ See *Foreign Relations*, 1927, vol. 1, pp. 331 ff.

⁶ *Ante*, p. 159.

⁷ See pp. 430 ff.

⁸ See *Foreign Relations*, 1929, vol. 1, pp. 720 ff.

721.23/65 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, September 15, 1932—9 p. m.
 [Received September 15—8:50 p. m.]

167. Department's 55, September 15, 12 A. M., just received. I am glad to report I have followed exactly the lines indicated in these instructions in my conversations here. While the Department's message is stated to be for my personal information I believe it will be advantageous to communicate it orally and informally to Foreign Minister and will do so unless Department deems it inexpedient.

DEARING

721.23/78 : Telegram

The Secretary of State to the Minister in Colombia (Caffery)

WASHINGTON, September 17, 1932—1 p. m.

39. Your 69, September 16, 2 p. m.⁹ Lozano yesterday showed White Olaya's draft note which Olaya was contemplating sending to the Presidents of the other American countries that signed the August 3 declaration. White advised against this saying that the telegram from Olaya to the Presidents of the other American Republics would undoubtedly become public and might well create an incident whereas his endeavors should be to avoid an incident. It was suggested that the best way to approach the matter would be to have the Colombian Legations abroad discuss the matter frankly, informally and discreetly with the Foreign Ministers of the other American countries and endeavor to see whether they would not instruct their diplomatic representatives in Lima to make representations to the Peruvian Government in the same sense as Dearing has been doing.

Today Lozano said that Olaya thought it preferable that the message be sent only to the Presidents of the United States and Brazil and he was told that this would be a great mistake. For instance, if the message came that way to the President of the United States, about all he could reply would be that this was a matter between Colombia and Peru; that he regretted that they were having difficulties, and that he hoped they would find a peaceful solution thereto.

Lozano was told that there was no reason why the United States should be singled out as the only one to protest and maintain the doctrine of August 3 nor of picking out only the United States and

⁹ Not printed.

Brazil. The United States is willing to do its part but it should not be asked to carry the whole burden alone and therefore it would seem to be very much more effective and less likely to cause resentment in Peru, which would react unfavorably to the Colombian objectives, if as many as possible of these signers of the August 3 declaration would make some statement to the Peruvian Government in the sense in which Dearing has done.

STIMSON

721.23/79 : Telegram

The Secretary of State to the Ambassador in Peru (Dearing)

WASHINGTON, September 17, 1932—4 p. m.

56. Your 169, September 16, 4 p. m., paragraph 5.¹⁰ Department's 55¹¹ set out in detail the main points which the Secretary mentioned in his conversation with Freyre.

Reference paragraph 7, your 169. There is, of course, no objection to your expressing orally to the Foreign Minister the substance of Department's 55 as setting forth the Department's views as to the essential issue involved in this incident, namely, respect for the boundary treaty. It would in fact seem from paragraph 13 of your telegram under reference that you had already explained in substance to the Minister the way in which we look at this question. Your suggestion that the Peruvian objections to alleged difficulties placed by Colombia on Peruvian trade at Leticia could be taken up by negotiations between the two countries after Colombian sovereignty had been reestablished at Leticia, seems helpful and practicable.

In your conversations with Peruvian officials you will of course have in mind that this Government does not desire to be singled out as the only Government to bear the burden of working for peace in South America and of supporting the declaration of August 3, which was subscribed to by all the American states. We are willing to do what we can to assist in a friendly manner to keep this question within proper bounds, but we have no responsibility to act as sole guardian of the peace of Latin America nor do we desire to assume such responsibility.

STIMSON

¹⁰ Not printed.

¹¹ September 15, noon, p. 277.

721.23/107 : Telegram

The Secretary of State to the Ambassador in Peru (Dearing)

WASHINGTON, September 23, 1932—6 p. m.

59. The Department is informed that the President of Colombia proposes to instruct Colombian diplomatic representatives to discuss the "Leticia incident" frankly, informally and discreetly with the Foreign Ministers of the American countries and endeavor to see whether they will not instruct their diplomatic representatives in Lima to make representations to the Peruvian Government in the same sense as our Ambassador at Lima has been doing. As it appears probable that the aforesaid Colombian diplomatic representatives will likewise discuss the question with our representatives in the respective capitals, the Department has telegraphed our missions in Latin America of Olaya's proposed instructions. For the information and guidance of our missions the Department has telegraphed them a résumé of the reported facts and the sense of its instructions to you contained in its telegrams No. 50 of September 3 and No. 56 of September 17.

STIMSON

721.23/261

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] October 4, 1932.

The Uruguayan Minister, Mr. Varela, called me up and read me the text of a note he had received from the Peruvian Ambassador, addressed to him as the senior American diplomatic officer in Washington, and hence Chairman of the Investigation Committee set up by the Gondra Treaty.¹² The note refers to Article I of the Convention on Conciliation signed February [January] 5, 1929,¹³ and Article III of the Gondra Treaty, and asks the Committee to take up conciliation of the Leticia difference between Peru and Colombia. The Minister said that the note seemed vague and not very explicit as to whether the Commission was to investigate the happenings at Leticia or to try to conciliate the parties. The Minister thought that a request to conciliate the parties is reasonable and he hoped that Colombia would not refuse that suggestion. He said that he could readily understand that Colombia might refuse an investigation, considering the matter an internal one. He thought they ought not to refuse an attempt to conciliate the two countries.

¹² *Foreign Relations*, 1923, vol. I, p. 308; see also *ibid.*, 1928, vol. I, pp. 644 ff.

¹³ *Ibid.*, 1929, vol. I, p. 653.

Mr. Varela asked me to give him from time to time any suggestions or recommendations which might occur to me and said that he would be glad to have them. I, in turn, told the Minister that if there was anything that he would like us to do to be helpful at any time, if he would call on us, I, personally, and the Department would be glad to do anything possible to be of assistance.

Mr. Varela added that the Peruvian Ambassador's note stated that Peru has appointed as its representative before the Permanent Committee in Washington Mr. Victor M. Maúrtua of Peru and Mr. Raúl Fernandes of Brazil.

F[RANCIS] W[HITE]

721.23/207 : Telegram

The Minister in Colombia (Caffery) to the Secretary of State

BOGOTÁ, October 5, 1932—6 p. m.

[Received 8 p. m.]

80. Olaya says he can not accept Peruvian conciliation proposal. The Leticia incident he is bound to consider as a domestic matter. If Peruvian forces do not attack, the matter will resolve itself by Colombian re-occupation of Leticia.

CAFFERY

721.23/300

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] October 14, 1932.

The Peruvian Ambassador¹⁴ called this afternoon and said that he was very disappointed that the Colombians had rejected the Peruvian suggestion to submit their differences to a Commission of Conciliation. He said that it was not unexpected but he nevertheless was very sorry that such was the outcome. He went over again some of the arguments about the treaty having to be changed, et cetera. I told him that if a treaty proves unsatisfactory to one of the parties it is always open to request the other to negotiate a modification but to seize some of the other party's territory and then demand a discussion was the wrong way to go about the matter, and I personally thought that the Colombians were fully justified in rejecting the Peruvian request as long as the Peruvians remained in Leticia or at least their presence there was not disavowed by the Peruvian Government. Should the Peruvian Government disavow any connection in the

¹⁴ Manuel de Freyre y Santander.

matter and any support thereof and recognize the territory as Colombian, then it might be possible for Colombia to appoint representatives to a Commission of Conciliation and discuss any solution such as economic benefits in Leticia to the Loretanos, et cetera.

The Ambassador said that this was very difficult on account of the situation in Peru and that no Peruvian Government could possibly last if it did so. The treaty is unworkable—it is shown to be unworkable in practice—and he thought there would have to be changes. I told him that I was speaking entirely without any knowledge of the Colombian point of view but it seemed to me that it would hardly be possible for Colombia to give up Leticia, which is its one outlet to the Amazon, whereas Peru has many outlets there, and that Peru should also remember that while this bit of former Peruvian territory had been given to Colombia, Colombia had given to Peru a large territory in other places. The Ambassador said he understood that; that he was not advocating that Leticia be returned to Peru but that the treaty be changed in such a way as to make it workable. I asked him just what provisions of the treaty were objected to and he said he really did not know. I asked if what was required was not so much a change in the 1922 treaty as perhaps the negotiation of a supplementary commercial treaty dealing with the economic and commercial conditions in that region. He said that that might well be the case. He said, however, that if Peru made a statement disavowing the Leticia movement, as I suggested, Peru would have no assurance that Colombia would not then stand on her treaty rights and say that the treaty was satisfactory to her and that she would not make any changes.

I told the Ambassador that as a practical matter I thought the question was to try to get both countries into negotiation through the Commission of Conciliation and the thing that occurred to me was that he might reply to Señor Varela's note, transmitting the Colombian reply, by saying somewhat what he said in his letter published in *La Prensa* of New York of today, namely that Peru does not deny the validity of the Treaty of 1922; that the juridical doctrine sustained by Colombia is unanimously accepted, and that Peru did not instigate nor did it have any previous knowledge of the Leticia movement. The Peruvian Government could say it recognized Leticia as Colombian and had no thought of changing this in any way but in order to remove any cause of conflict in the future it would like to negotiate regarding economic and commercial conditions there and it thought these latter questions were ones in which the Conciliation Commission could be of great help to both countries. I told him that I thought before sending the note he should of course show Mr.

Varela, the Chairman, a copy of his proposed letter, so that Mr. Varela could show it to Lozano to know if this statement would not be sufficient for the Colombian Government to change its position and accept the services of the Conciliation Commission. The Ambassador said he thought that this was a good idea; that he did not want to just sit down and do nothing and let the situation get more tense, and that he would immediately take the matter up with his Government to see if anything could be done along these lines.

I advised Señor Varela and Mr. Rublee of the above. Mr. Rublee much preferred to have the Permanent Commission make a declaration as he had suggested but if it would not do so thought that my suggestion was a step forward and seemed inclined to agree with me that if Peru will make a satisfactory statement about Leticia being Colombian then the Conciliation Commission would certainly have to suggest the withdrawal of the Peruvians from there and its return to Colombia.

F[RANCIS] W[HITE]

721.23/393

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] October 26, 1932.

The Venezuelan Minister¹⁵ called and we discussed briefly the Leticia case. I told him that I thought progress might be made if the Permanent Commission should take the position that there is no ground for calling a conciliation commission with regard to the city of Leticia itself. The dominion over that territory has been definitely settled by the Treaty of 1922 and no court can well reopen the case which parties themselves have closed by a definite agreement. The commission might then suggest that this territory be restored to its status in accordance with the Treaty of 1922 and that after that any commercial questions or differences between the two countries be submitted to a commission of conciliation. Mr. Arcaya said that he agreed with this point of view and thought it the logical one to follow and that that was the view of his Government also and that when the Peruvian answer is received that would be a good time to make this suggestion.

I made a similar statement over the telephone to Dr. Varela. He apparently is keen on having the Commission consider the matter rather than saying there is nothing to be discussed regarding Leticia. He will give the matter further consideration, however, when the Peruvian note has been received.

¹⁵ Pedro Manuel Arcaya.

Oct. 27th: I spoke by telephone this morning with Señor Racinos, Guatemalan Minister and third member of the Permanent Commission. He showed himself very favorably inclined to act as I suggested to Dr. Arcaya. He said he would get in touch with me again when the next Peruvian note is received as he thought that would give the Commission a good chance to act as I had suggested.

F[RANCIS] W[HITE]

721.23/396

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] October 27, 1932.

The Brazilian Ambassador¹⁶ called and discussed the Leticia matter. I asked him if his Government had considered taking any initiative in the matter. I pointed out to him that as the hostilities were taking place in territory bordering on Brazil, Brazil is the neutral country having the greatest interest in the peaceful solution of this question. The Ambassador said he agreed and would make a suggestion along those lines to his Government. He asked me how this Government looked at the matter. I told him that it appeared to us that there was a valid treaty between Peru and Colombia by which Leticia and the surrounding territory belonged to Colombia, that the treaty has been ratified overwhelmingly by the Peruvian Congress and had been put into effect by the turning over by each country to the other of the territory which each had agreed in the treaty to give to the other. The boundary had been demarcated and the matter seemed to be a closed incident. There appeared to be nothing to discuss regarding Leticia and dominion over it, and it was not seen how any tribunal or conciliation commission could open a matter which the parties themselves had definitely closed. I told the Ambassador that while I had not seen the note of the Peruvian Ambassador to the Permanent Commission asking that a commission of conciliation be set up, I understood that it requested this commission to study the consequences of the treaty of 1922. I said that no definite mention was made of Leticia. I said that I understood that Colombia took the view that Leticia was an internal matter and there was nothing to discuss regarding it but that once Colombia's authority was recognized and reestablished in Leticia, Colombia would discuss any commercial questions growing out of the Treaty of 1922.

I said that I thought the countries of America might well say to both Peru and Colombia that two months had gone by since Peru-

¹⁶ R. de Lima e Silva.

vians had occupied the Colombian town of Leticia, that at first the Peruvian Government had stated its complete innocence of any connection with this movement which first was characterized as Communist and that the countries of America had confidently expected the matter would be promptly arranged. Now two months have gone by and it is seen that Peru is apparently sending troops and military supplies to bolster up the position of the Peruvian occupants of Leticia and as a consequence hostilities with Colombia are threatened and that therefore the countries of America feel that they should remind both parties of the declaration of the American States made on August 3, which was signed by both Peru and Colombia, saying that they would not recognize any territory acquired by conquest or by force of arms. Consequently, the American nations will not recognize any Peruvian occupation of Leticia and they call upon the Peruvian Government to declare that it will observe the Treaty of 1922 settling the matter, and that it does not desire Leticia. They would also ask Peru to order the Peruvians in Leticia to leave the town and to declare that if they do not do so Peru will not support them nor will it put any obstacle in the way of Colombia reoccupying this territory. The American nations invite both countries, once Colombian authority is reestablished in Leticia, to negotiate either directly or by or through a commission of conciliation as proposed by Peru regarding any commercial or economic differences which they may have in that region. The Ambassador said he thought this was reasonable and a sound position to take. I told him that I thought it better for the interests of the American nations that one country should not always be carrying the burden and taking the initiative and as the present dispute is between two South American countries and as Brazil is the country most affected thereby, that Brazil could very well take the initiative. The Ambassador liked the idea and said he had already said something to his Government, and that he would send a further cable.

F[RANCIS] W[HITE]

721.23/408

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] October 31, 1932.

The Peruvian Ambassador, Señor Freyre, called and left with me a clipping from a Lima newspaper giving the background and the Peruvian point of view regarding the Leticia incident (the clipping is from *El Comercio*, Lima, Sunday, October 23, 1932). The Ambassador asked me to read this article at my leisure and I told him that I should be glad to do so.

The Ambassador again went into the Leticia matter and said that he could not see why the Columbian Government would not agree to discuss the matter with the Peruvians. He thought that was the only way by which war could be avoided. He mentioned briefly the manner in which the Treaty had been negotiated and put through, referring to my conversation with Señor Maúrtua on the 29th.¹⁷ He said that it was a great mistake to try to put through a treaty by such methods because in doing so one builds on sand and not on a firm basis. The people affected were so outraged that they had risen up against the treaty.

I told the Ambassador that from my information there were less than a thousand people in the Leticia corridor and that it was not these people who had thrown out the Colombian authorities but Peruvians who came in from Peruvian territory. I said that however good Peru's case might be on the basis of the manner in which the treaty was negotiated, there is a right way and a wrong way of doing everything and that there is a right way to go about modifying a treaty which one party does not find to its liking. The way to get the modification of a treaty is to open negotiations calmly with the other party, but seizing territory which has been conceded to the other party and then demanding that while that territory is in your occupation the aggrieved state shall negotiate to recognize the return of the seized property to the party desiring it, is certainly the wrong way to go about the matter and, if we should grant for the sake of the argument that Peru has an excellent case, this procedure will in itself ruin that case and lose her sympathy and support abroad.

The Ambassador justified Peru's action on the ground that public opinion is such that the Peruvian Government could not now disavow the action of the Loretanos because all the people of Peru are now solidly behind them. He virtually admitted, however, that firm action at the outset by the Peruvian Government in disavowing the action of the Peruvians who seized Leticia might have saved the situation. He said the situation has now got beyond control and we are confronted with a practical condition to which we must try to find a solution. I told him that personally it was pretty hard to ask President Olaya to take a position contrary to the firm convictions and public feeling in Colombia in order to save the Peruvian authorities from carrying out their obvious duty. The present situation has not been brought about on account of any action or lack of action on the part of the Colombian authorities and the resentment against any Colombian Government acquiescing in what the Ambassador was requesting would be overwhelming. I did not see how it could be done.

¹⁷ Memorandum of conversation not printed.

The Ambassador said that whatever the juridical position may be, we must get down to facts and the facts are that unless the two countries can get together and discuss this matter there will be war and that we should not run the risk of a war just to save a juridical principle.

I told the Ambassador that I thought there was more involved than a mere juridical principle, that there was also a very practical side to it. The Colombians will ask what assurance they would have that any treaty or agreement they might make with the Peruvian Government now would be respected by the present or future Peruvian Governments when a valid treaty is not respected by them. I asked the Ambassador if he could give me an answer to that problem and he said that he was afraid he could not. I told him that he would now see why I did not feel that I could advance any such suggestion as he proposed to the Colombians. If I were asked by him or Dr. Maúrtua to make a suggestion to the Colombians, either in their own names or in the name of the Peruvian Government, I would of course do so but I could not urge and support any proposal unless I thought it was fair and equitable. As I had told Maúrtua, if the Peruvians will state that they are not demanding a modification of the boundary that has been settled by the Treaty of 1922 and hence excluded from the purview of the Gondra Treaty and would state that they wanted to discuss the economic and commercial consequences of the Treaty, which is a matter not excluded from the purview of the Gondra Treaty as having been settled by another treaty, I would certainly be glad to recommend to the Colombians that they accept to discuss those questions.

I told the Ambassador that respect for treaties is the foundation of all international dealings and that unless this were maintained we were opening a situation of chaos; that we would soon arrive at a state where nobody would make any treaties, but that all countries would be forced into making *modi vivendi* with the existing governments good for the duration of those governments only.

The Ambassador again stated that the question is not merely commercial but is a territorial one and that they could not get out of Leticia until this matter was discussed. I told him that this action on the part of his Government is contrary to the declaration which Peru signed on August 3 of this year stating that it would not recognize the validity of territorial occupations effected by force of arms. Furthermore, if this should lead to war because Peru refused to get out of Leticia, the war would result from the use of force as an instrument of international policy on the part of Peru. Peru would have

forcibly seized territory and refused to give it up unless Colombia agreed to certain conditions, among them ceding this territory back to Peru. This would be contrary to the Kellogg-Briand Pact¹⁸ which has been signed by sixty-two nations and the matter would therefore affect not only Peru and Colombia, but would be of very great concern to sixty other nations of the world as well. I told him I thought it well to consider that aspect of the problem.

The Ambassador seemed to think that the Peruvian armed forces would not leave Leticia and inquired whether it might not be possible to restore the Colombian civil authorities but not their police or army. I asked the Ambassador if he was suggesting that Colombia was to send her civil authorities to Colombia's town Leticia to be maintained in power by and at the will of the Peruvian military. He apparently had not thought of the matter before, and did not pursue that angle of it.

He reiterated again, however, the necessity of the two countries talking the matter over. I asked him what was the definite basis on which the negotiations would be carried out, what was the plan his Government had in mind. He said that it had no plan that he knew of other than to negotiate with Colombia through a commission of conciliation. I told him that if he wanted us to give consideration to a plan we would have to know all the details and implications of it. I said that yesterday Mr. Maúrtua had proposed a plan which he wanted me to urge on the Colombian authorities on the understanding that if they accepted it that then Dr. Maúrtua would use his influence with the Peruvian Government to have Peru accept it also. I had told Dr. Maúrtua that obviously I could not do this as even if I were in favor of his plan and the Colombians agreed to it I would certainly be in a very embarrassing position if then Peru declined to carry it out. If he wanted me to give any consideration to a plan, I would have to know definitely in advance all the terms of it and that it was accepted by Peru.

The Ambassador intimated very strongly that his Government was looking for a way out, that they could not get out of Leticia on their own, but that if a commission of conciliation told them to get out that then they would do so. I asked him if he would tell me definitely that Peru was insisting upon the commission of inquiry merely in order to permit it to get out of Leticia with the backing of an international commission on account of internal conditions in Peru. If he would definitely tell me that so that I could explain the matter in that light to the Colombians there might be some possibility of making progress in the matter. The Ambassador said that he was

¹⁸ *Foreign Relations*, 1928, vol. 1, p. 153.

not authorized to make any such statements to me. I also inquired of the Ambassador whether Peru would be willing to arbitrate whether she was entitled to Leticia or not, whether the Treaty of 1922 was valid and effective as that might be a way out and a means of avoiding war. The Ambassador said that he was without instructions on that point also but knew that his Government wanted to negotiate for a conciliation commission. He said, however, that he would try to find out definitely and precisely from his Government just what it wants and will accept.

F[RANCIS] W[HITE]

721.23/409

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] November 1, 1932.

The Brazilian Ambassador called and with reference to our conversation a day or two ago said that he had an answer from his Government on the Leticia question. His Government did not find it possible for Brazil to take any initiative in the matter because he said the five Central American Republics are not represented at Rio, and at the present moment the Cuban and Ecuadoran representatives are absent, so that at the present time there are seven American countries actually not represented at Rio.

I told the Ambassador that I did not think this was an insuperable obstacle as the Minister of Foreign Affairs of Brazil could communicate directly with the Ministers of Foreign Affairs of those countries and get their concurrence in any action taken and those countries could authorize the Minister of Foreign Affairs of Brazil or the diplomatic representative of any other country in Brazil to act on their behalf. The Ambassador said that he was sorry that his Government had taken this position and he did not see that there was anything else to be done.

F[RANCIS] W[HITE]

721.23/410

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] November 3, 1932.

I telephoned Mr. Rublee and told him that yesterday evening I was reading over the opinion on the Leticia matter given by Señor Alvarez of Chile to the Colombian Government¹⁹ and that it occurred

¹⁹ Colombian Legation, *International Opinion and the Letician Controversy* (Washington, January 1933), pp. 29-42. Typewritten copy of the Opinion dated Paris, October 12, 1932, was transmitted to the Department by the Colombian Minister under covering note of October 27, 1932, not printed (721.23/390½).

to me, from an opinion Mr. Alvarez expressed, that there was one other possible line of action that might be explored.

Mr. Alvarez stated that Peru could not bring Colombia before a conciliation commission because Colombia has not violated any treaty nor has Colombia any difference with Peru, but that Colombia can bring Peru before a conciliation commission on account of its violation of the provisions of the Treaty of Caracas of 1911.²⁰ I said that Peru had asked Colombia to set up a conciliation commission and Colombia has rejected it on the ground that the Leticia matter is an internal one. If other methods fail, one way which occurs to me of getting the countries to talk and not go to war, if the latter seems imminent, would be for Colombia to take the offensive and ask Peru to come before a conciliation commission regarding its violation of the 1911 Treaty. This would serve to bring about a discussion between the two countries in such a way that Colombia would not lose any prestige, as she might in going before a commission at the request of Peru to discuss the Leticia case. Peru would doubtless accept because she would intend to bring the Leticia matter before the commission. Once the commission is established, it would then be up to Colombia to try to get an expression of censure from it against Peru for violating the Treaty of 1911 and, if Peru brings up the Leticia matter, to have the commission throw that question out of court, suggesting that Leticia be restored to Colombia, after which the countries could get together before the conciliation commission to discuss any economic or commercial questions arising out of the execution of the Treaty of 1922.

Mr. Rublee seemed to think that this was a good idea and offered a possible way out. He said he would think the matter over.

F[RANCIS] W[HITE]

721.23/441

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] November 10, 1932.

The Brazilian Ambassador called and stated that he had heard from his Government regarding the possibility of Brazil getting the ABC countries to take some action in the Leticia matter. He said that his Government does not desire to do so or be connected in any ABC movement because the other countries of South America resent any action of the ABC's, feeling that those countries are the strongest and are perhaps trying to dominate them on that account.

²⁰ Signed July 18, 1911, *British and Foreign State Papers*, vol. CVII, pt. 1, p. 601.

I told the Ambassador that the action need not be limited to the ABC countries—that there was no reason why Brazil should not call together all the other South American countries to take some action in the matter. He said that his Government definitely would not take any initiative in the matter. His Government will join and has authorized him to join in sending a telegram to Peru and Colombia but Brazil will not take the initiative.

The Ambassador said another possibility would be for the Latin American diplomatic corps here in Washington to get together and take some action and invite the United States to join them. He said that Washington was the only place where this could be done because it was the only place where all the countries are represented. I asked him if he was going to suggest that action to his colleagues and he again said no; that he was instructed to take no initiative whatsoever but he is authorized to join in if others take the initiative.

F[RANCIS] W[HITE]

721.23/473

The Ecuadoran Minister (Zaldumbide) to the Secretary of State

[Translation]

WASHINGTON, November 12, 1932.

MR. SECRETARY OF STATE: By special instructions from the Ecuadorian Chancellery, I have the honor to place in Your Excellency's own hands the declarations which, in the form of a Memorandum, my Government has thought it well to make upon considering, from the standpoint of the rights and interests of Ecuador in the Amazon region, the international situation created by the present Colombo-Peruvian dispute.

The said document reads as follows:

MEMORANDUM

1. The difficulty which has arisen between Colombia and Peru concerns all America, with good reason. Ecuador, for very good reasons, can not remain indifferent, the very fact that such a conflict has arisen being sufficient to justify her attitude, without it being necessary to make an analysis of its cause or the arguments maintained on each side to proclaim the necessity of one settlement or the other.

2. The controversy which has arisen between the two countries concerns us deeply, because Ecuador has the deepest conviction that all republics of the American continent, and in particular, certain groups of countries situated close to each other and having special historical, ethnic and economic ties, such as Colombia, Ecuador and

Peru, are called to a common destiny and as the greatest political and economic problems concern the three States to an equal extent and demand their mutual cooperation that they may be settled satisfactorily.

3. Furthermore, America is not unaware of the fact that Ecuador is and will be an Amazonian nation. Her geographic location, her numerous juridical rights, the imperative demands of her economic life and the requirements of her normal biological development, the right that every people has to a proportionate territory, and the indisputable fact that the Amazon forms the inland sea and the common outlet toward the East for the countries of this part of the New World make Ecuador's right to be an Amazonian State, as she is and always has been, since the first colonial centuries, irrefutable and indisputable.

4. Moreover, Ecuador has not yet been able to settle in a friendly and equitable way, as she is eager to do, her difference as to frontiers in the territory of the Amazon.²¹ It is therefore evident that the present dispute between Colombia and Peru may affect her and, in any case, it concerns her vitally.

5. The peoples of America see with disquietude that Colombia and Peru are making preparations for war, in issuing loans intended for national defense, procuring arms, ammunition and other military supplies, and mobilizing their troops.

6. Ecuador trusts that the settlement of this difference will not be left to the arbitrament of war, for war generally does not settle in a sincere, complete and just way the problems which it is expected to settle thereby.

7. This principle is all the more evident as history, as well as the American tradition of international law and various recent public documents and international declarations, remind us that our peoples, having taken the right direction in the path that civilization apparently will follow, are convinced that settlements of the differences between countries are those which are secured by pacific and voluntary means which do not injure the vital interests or the juridical sentiment of the communities to which they are to be applied.

8. Therefore, Ecuador, inspired by a pacific ideal, desiring only amicable and equitable solutions of her foreign problems, has up to the present time devoted all her effort to development of her culture and peaceful domestic progress. It is for this reason that, as she stated to the League of Nations, in a note dated November 17, 1931, she now insists on declaring to the chancelleries of America, that until now she has desired to organize only an army indispensable for maintaining domestic peace. Nevertheless, a part of her territory being situated between Colombia and Peru, Ecuador, in the absurd case of a war, exercising her full sovereignty and independence, and being sure of her rights and as a state desirous of achieving her own destiny within the limits of international peace and dignity, is resolved to employ every effort and make every sacrifice to prevent the possibility that, at a given moment, her territories may be violated and her peaceful towns and fields exposed to the horror of war. The social

²¹ See pp. 350 ff.

and moral conscience of America could not tolerate such violation, which is contrary to the basic principles of justice, civilization and law.

9. If the controversy between Colombia and Peru is settled by pacific means, the settlement may have consequences which, directly or indirectly, may affect the juridical status or the *de facto* situation of Ecuador in the Amazon basin.

10. Moreover, Ecuador, having justice on her side, desires to solve her Amazon problem in a fitting manner, in the greatest harmony and under theegis of the fraternal sentiments which should inspire the American peoples; to assure in definitive fashion the peace and the international position of the Republic, and then direct all the efforts of her foreign policy to a many-sided, fruitful, intensive and ever greater cooperation with neighboring States.

11. It follows from this that both on account of the undeniable consequences that may develop for Ecuador from possible Colombo-Peruvian diplomatic negotiations, and on account of the desire cherished by the Republic to solve her own differences as soon as possible, she is interested in the present difficulty between the two friendly peoples referred to, and believes that she has the indisputable right not to suffer any prejudice in this connection, and to bring about the earnestly desired fraternal and definitive solution of her own boundary problem. This can not but interest the American continent, as undoubtedly the elimination of the Amazon problems will aid in strengthening peace, well-being and progress in the New World.

Quito, November 12, 1932.

The Minister of Foreign Relations

Will your Excellency be good enough to note and consider the justification for these declarations of the Ecuadorian Chancellery, which highly appreciates the attention with which Your Excellency always considers the interests of concord and peace. I take [etc.]

GONZALO ZALDUMBIDE

721.23/474

*Memorandum by the Chief of the Division of
Latin American Affairs (Wilson)*

WASHINGTON, November 15, 1932.

Dr. Zaldumbide, the Ecuadoran Minister, called on the Secretary this morning to deliver to him the original of the memorandum dated November 12, 1932, setting out the point of view of the Ecuadoran Government with reference to the Leticia incident. Dr. Zaldumbide referred to this memorandum as "a statement of neutrality". (As a matter of fact it is much more than this, asserting a direct interest on the part of Ecuador in the difficulty between Peru and Colombia).

The Secretary said that he would have a translation made of the memorandum and would then read it carefully. The Secretary said that he was greatly concerned over the situation between Peru and Colombia. As he saw it the essential point in this matter was the sanctity of treaties. After many years of negotiations Colombia and Peru had settled their boundary difficulties by a treaty which had been duly ratified and entered into effect, carrying with it the honor and obligations of both countries. The American states had always prided themselves on the belief that they had taken the lead among the nations of the world in the peaceful settlement of disputes and in the regard for the sanctity of treaties. It was now very disturbing to find that this treaty, which had settled the boundary dispute between Peru and Colombia, was being brought into question. The Secretary stated that for the remainder of his term in office he would give support to the principle of maintaining the sanctity of treaties.

Dr. Zaldumbide said that he agreed entirely with the Secretary's views.

E[DWIN] C. W[ILSON]

721.23/452a : Telegram

The Secretary of State to the Minister in Colombia (Caffery)

WASHINGTON, November 16, 1932—6 p. m.

49. I have been giving very considerable thought to the Leticia controversy and am concerned at the dangerous way in which matters seem to be drifting. I wish you would discuss with President Olaya my estimate of the situation and see if he feels, as I do, that what I suggest below offers the means to a satisfactory solution without resort to force.

Peru has requested the Permanent Commission in Washington to ask Colombia to appoint its representative on a commission of conciliation. Colombia has refused to do so on the grounds that not only is the General Convention of Inter-American Conciliation of 1929 not in effect between Colombia and Peru but also because the Leticia matter is considered by Colombia to be purely an internal one. The Department understands that Peru has again asked the Permanent Commission to request Colombia to appoint members on a commission under the Gondra Treaty. The Department does not know what attitude Colombia will take in this respect. If Colombia accepts, what follows below is then no longer pertinent, and it is of course not to be considered as a suggestion that Colombia should reject the last Peruvian proposal. This proposal has not been seen by the Department. If this proposal is accepted by Colombia the danger

of the situation would be removed. However, if you learn that Colombia will reject the Peruvian suggestion, then discuss the matter with President Olaya.

The essential difference in the positions between Peru and Colombia is that the former desires a conciliation commission to deal with the matter possibly because the Government is afraid on account of internal political opposition to comply with the Colombian demand that the Peruvians withdraw from Leticia and is seeking the shelter of such a request from some neutral outside body which would make compliance easier. Colombia, on the other hand, considers the matter a purely internal question and refuses to discuss it with an international commission. As long as both parties persist in this attitude the situation will become more and more tense with hostilities almost inevitable. The problem is to find a way out satisfactory to both countries and which both can accept without loss of dignity or appearing to back down from a position already taken. It would seem that this could be done if Colombia would call Peru before an investigation commission on account of Peru's alleged violation of the Treaty of Caracas of 1911 and the boundary treaty between Colombia and Peru of 1922. The advantages of this would appear to be as follows:

1. By bringing the two countries together to discuss the matter before an investigation commission hostilities would probably be averted.

2. With particular reference to President Olaya's problem he could say that Colombia had violated none of its international obligations or engagements and hence could not be hailed before an investigation commission by Peru and he had refused the Peruvian attempt to do so but that Colombia could call Peru before such a commission on account of Peru's failure in this respect and that he was therefore taking the offensive in calling Peru before such a commission.

3. It would be of advantage to Peru in that it would bring about a discussion of the matter before an investigation commission which is what Peru has been asking. Peru would doubtless accept the Colombian proposal in the hope of bringing in the Leticia matter also. It would then of course be Colombia's object to have this commission take the following action:

- a. Declare that Peru had violated the Treaties of 1911 and 1922 and thereby find Peru to be at fault.

- b. When Peru brings up the Leticia matter have the commission throw this question out of court because boundary and territorial questions between the two countries have been settled by the 1922 Treaty.

- c. Have the commission, if possible, declare that Peru should evacuate Leticia and not put any obstacles in the way of Colombia reestablishing her authority there, after which the commission

would be able to take jurisdiction regarding any commercial or economic questions which may have arisen as the result of the Treaty of 1922. If Peru is, as seems possible, seeking the authority of a neutral commission to permit her evacuation of Leticia without internal political repercussions, Peru might well cooperate in having the commission take the action outlined above.

Of course no one can tell what action the commission will take but if Colombia has a strong case and ably presents it she should not fear discussing the matter in this way. If Peru accepts the commission on this basis after Colombia has declined to go to the commission at Peru's behest, that, in itself, is a tactical advantage for Colombia. The alternative appears to be the drifting of the two countries into armed hostility and this possible way out is hence much to be recommended.

I am not unmindful of the position which Colombia has taken that the Leticia question is an internal one and not an international one but Colombia preserves its position by having rejected the Peruvian offer to set up a commission to investigate the matter and in calling for another commission to investigate Peru's alleged breach of two treaties. The violation of treaties creates an international question and Colombia can well afford to discuss this phase of the matter before a commission such as proposed. Please discuss this matter frankly and fully with President Olaya and cable his views. Do not leave any written memorandum with him however. The Department understands that Mr. Rublee is making certain suggestions regarding the reply to the latest Peruvian communication to the Permanent Commission.

STIMSON

721.23/494

The Minister in Colombia (Caffery) to the Secretary of State

No. 4757

Bogotá, November 19, 1932.
[Received November 23.]

SIR: Referring to the Department's telegram No. 49 of November 16, 6 p. m. and to my reply No. 83 of November 18, 4 p. m.²² in connection with a possible solution to the Leticia controversy, I have the honor to say that, as set out in the first paragraph of my telegram No. 83, Dr. Olaya expressed at some length "his deep appreciation of the Secretary's interest and his strong hope that the Secretary will continue to interest himself actively in the Leticia affair." However,

²² Latter not printed.

he was very positive that he could not consider the Department's suggestion. He feels that if he attempted to do anything of the kind he might be turned out of Office. As set out in the last paragraph of the same telegram, his position is that, although he ardently hopes to avoid war and realizes that he cannot foretell what the consequences of a war would be either for himself or for his country, he cannot in the face of popular opinion and feeling enter into any arrangement with Peru until he has recovered Leticia.

. As set out in the second to the last paragraph of my telegram, he "made a number of proposals all of which I told him were unacceptable because they involved action on the part of the Department of State which I know to be impracticable." What he would like us to do, would be for instance: (1) publicly to reprimand Peru for her attitude; or (2) to mobilize the American nations against Peru, either for violating the Kellogg Pact or for violating the declaration of August 3, last; or (3) to notify the Peruvian Government through our Embassy at Lima that the Lima Government should publicly disavow the taking of Leticia and promise to withdraw all support from the captors thereof; or (4) to make public declaration that we will permit no fighting on the Pacific coast of Colombia or Peru.

It is obvious (as intimated in my despatch No. 4703 of November 7, 1932)²³ that Olaya feels that the Department should take a more positive attitude in the Leticia controversy, and that he is very much disappointed that we are not doing so. His mind, unfortunately, will run back on the well-worn road to the oil law,²⁴ Barco controversy,²⁵ settlement of the United Fruit Company difficulties, etc., etc., etc. However, as I remarked before (my despatch No. 4703), "Dr. Olaya is not open to reason on these matters and it is better to let matters remain as they are and say nothing at all in this connection."

Respectfully yours,

JEFFERSON CAFFERY

721.23/574

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 6, 1932.

Mr. Guzman called and said that he had been talking with Mr. Rublee and as a result had come around to talk with me. He said that he would like very much to have me take an interest in the Leticia matter and see if we could not find a solution bringing about the

²³ Not printed.

²⁴ See *Foreign Relations*, 1931, vol. II, pp. 1 ff.

²⁵ See *ibid.*, pp. 18 ff.

evacuation of Leticia. When this is done, the Colombian Government is willing to discuss commercial relations with Peru.

I inquired whether his Government would perhaps be disposed to authorize him to say to Maúrtua just what they would accord Peru in the way of commercial privileges in that section. I said that something of this sort might be just what was needed to strengthen the Peruvian Government's hands with the Loretanos so that it could tell them to get out of Leticia and that it would not back them up if they did not get out. Mr. Guzman said that in his two talks with Maúrtua this question had not come up and Peru had not stated what they wanted in that section so it was very difficult for the Colombians at this time to say what they would do as they do not yet know what Peru wants.

Mr. Guzman stated that in his first conversation with Maúrtua the latter had talked very reasonably and spoke of the evacuation of Leticia. He then presented his memorandum through the Permanent Commission and this of course was in an entirely different vein. Since then Guzman had seen Maúrtua at a private dinner at the Chilean Embassy where only Guzman, Maúrtua and Cruchaga were present, and at that time Maúrtua had tried to justify the position he had taken in his memorandum.

Guzman said that he had seen Cruchaga in New York before the latter sailed and that he thought what Cruchaga was going to suggest would be the appointment by Colombia and Peru of representatives to discuss the matter with Cruchaga as Minister of Foreign Affairs of Chile. Mr. Guzman asked how I looked upon that and I told him I thought it offered a very possible way out. Guzman said that of course his Government considered the matter an internal one and could not ask any Foreign Office officially to take the matter up. It was for that reason, he said, that he would welcome my personal interest in the matter and that if I would take the matter up with Maúrtua, but not on the basis that he, Guzman, was seeking the interview, he would be very glad indeed to talk with Maúrtua. He said that when he last saw Maúrtua at the Chilean Embassy Maúrtua had said that he wanted to talk things over again with him. I told Mr. Guzman that I would take the matter up on that basis.

F[RANCIS] W[HITE]

721.23/588

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 7, 1932.

Doctor Pomponio Guzman called at my house on the afternoon of December 6 and said that on going to the Legation after seeing me at the Department in the morning he had found a long cable from President Olaya which had just been deciphered. In this cable President Olaya had expressed his readiness to discuss commercial matters with Peru as soon as Leticia should be evacuated. President Olaya also stated that Señor Garcia Ortiz, who is now in Lima on a mission similar to Doctor Guzman's mission here, reported that he had had several talks with the Peruvian authorities and that it seemed likely that they would make a new statement to the effect that they respect the Treaty of 1922 and consider it in force and they might state that Peru would not put any difficulties in the way of Colombia reestablishing her authority there. Doctor Guzman said that if this were done of course it would go a long ways toward solving the difficulty. Doctor Guzman thought that the negotiations could be materially advanced by conversations here and asked me if I would take the matter up with the Peruvians but not on the basis of the initiative having come from the Colombians. I promised to do so.

F[RANCIS] W[HITE]

721.23/589

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 7, 1932.

I telephoned the Peruvian Ambassador after Doctor Guzman's talk with me at my home on the sixth and asked him whether he thought that an interview between him and Maúrtua and the Colombian Minister and Guzman would be helpful at the present time. I said that it occurred to me that informal conversations between them might possibly advance a settlement and that if this should be agreeable to the Peruvians I would see if it was to the Colombians as well and then I would be very glad to have the four gentlemen in question lunch with me and the matter could be discussed informally.

The Ambassador said that there had already been talks between Guzman and Maúrtua; that as a matter of fact they had lunched with Cruchaga before Cruchaga left and that at that time Guzman had promised to make certain inquiries of his Government. The Ambassador did not know whether he had made these inquiries or

not; in any event the Peruvians had heard nothing further from Guzman. The Ambassador did not seem very optimistic that another interview now would be very helpful but said that before giving me an answer he would discuss the matter with Maúrtua. He promised to do so Wednesday morning and let me know.

F[RANCIS] W[HITE]

721.23/591

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 7, 1932.

Shortly after the Peruvian Ambassador had talked to me this morning Doctor Guzman arrived. I told him that the luncheon which I had proposed to bring together the Colombians and the Peruvians would have to be postponed. I said that the Peruvians were expecting further information from their Government and a meeting might be held with better advantage after that has been received. I also told Doctor Guzman that I got the impression that the Peruvians were expecting an answer from him to something which had been proposed at their last conference at the Chilean Embassy. Doctor Guzman replied that Cruchaga had made a suggestion to him and that he had promised Cruchaga an answer and that he had given the answer to Cruchaga. Cruchaga had suggested mediation between Colombia and Peru by the Chilean Government. Colombia has declined this. Guzman told Cruchaga this when he saw Cruchaga in New York before the latter sailed. Cruchaga had made another proposal, the nature of which Guzman did not tell me, to which Guzman is going to reply by cable before the sixteenth of this month, the date on which Cruchaga arrives at Callao, when he expects to discuss the matter with the Peruvian authorities.

Guzman then left me a memorandum which he had received by cable from President Olaya. The memorandum was sent to President Olaya by Doctor Garcia Ortiz from Lima. Guzman impressed upon me that this is strictly confidential; Olaya had shown it to nobody in Bogotá except Mr. Caffery who is authorized to advise us regarding it. Aside from that no one knows of it. He said that the memorandum has not been accepted as yet by the Colombian Government nor does it represent any definite proposal made to Garcia Ortiz by the Peruvians. It sets forth the impressions which the latter has gathered as the result of his conversations with a number of Peruvians. It is therefore rather inchoate and indecisive.

F[RANCIS] W[HITE]

721.23/564 : Telegram

The Minister in Panama (Davis) to the Secretary of State

PANAMA, December 8, 1932—4 p. m.

[Received 7:46 p. m.]

167. Department's telegram No. 108, December 5, 6 p. m.²⁶ Following for White from Cruchaga:

"In accordance with my telegram of the 4th, I transmit the following formula:

The Governments of Colombia and Peru desirous of maintaining peace, harmony, et cetera, in their international relations accept the invitation of the Government of Chile to establish in Santiago a commission composed of the Minister of Foreign Affairs of Chile, Don Miguel Cruchaga, and two representatives of each of the two Governments to study:

1. The manner in which Colombian authority in Leticia could be reestablished, and
2. The modifications which could be made in the Salomón-Lozano treaty of 1922.

This formula has, in my opinion, the advantage of safeguarding the integrity of treaties and Colombian rights in Leticia and contemplates, for Peru, the possibility of changes in the 1922 treaty. If you can secure acceptance by Colombia I shall try to secure that of Peru. As question is pressing I suggest that once Colombian answer is known, you reply to me through American Consul General Guayaquil where I shall be December 13th or in Lima 16th. I believe this is the only chance for success in negotiations and consequently suggest you talk to Maúrtua and Guzman. I count on your cooperation."

DAVIS

721.23/565 : Telegram

The Minister in Panama (Davis) to the Secretary of State

PANAMA, December 8, 1932—5 p. m.

[Received 7:35 p. m.]

168. Referring to my telegram No. 167, December 8, 4 p. m. For White from Dawson.²⁷

"When Cruchaga outlined his 'formula' I pointed out that Olaya has insisted he could not enter into any discussion of changes in 1922 treaty until in possession of Leticia. Cruchaga then said that he would see that first act of commission was to order return of seized territory and asked that I get word of this to Olaya upon reaching Bogotá. Olaya will not of course be satisfied with this."

DAVIS

²⁶ Not printed.

²⁷ Allen Dawson, Second Secretary of Legation in Colombia, then on board the S.S. *Santa Barbara* with Señor Cruchaga en route from New York to Buenaventura. (721.23/628).

721.23/564

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 9, 1932.

Dr. Guzman called at my request and I advised him of the contents of the telegram from Señor Cruchaga contained in telegram 167 of December 8, 4 p. m., from Panama and asked Dr. Guzman how he felt regarding this proposal and whether there was anything I could properly say to Señor Cruchaga in reply.

Dr. Guzman said that yesterday he had sent Señor Cruchaga a radio to his ship at Colón, giving him the reasons why Colombia cannot accept this formula. He said this formula was exactly the same as the one which Señor Cruchaga had communicated to him in New York just before Cruchaga sailed.

I inquired whether there was any way in which Señor Cruchaga's formula might be amended in order to make it more acceptable to Colombia. He said that Colombia takes the very definite position that the Leticia matter is an internal one and that they cannot discuss its recovery with any foreign power. I told Dr. Guzman that while I understood Colombia's position, I thought that it was possible that Peru was looking for a way out and that Peru could not, apparently for its internal political reasons, evacuate Leticia on the mere request of Colombia but that it might well be able to do so at the demand of a Commission such as Señor Cruchaga suggests. I said that if this were arranged in advance, it might help the situation. Dr. Guzman said that there was nothing that could be done in this connection.

Señor Guzman then told me that he had met Señor Maúrtua casually last night and that they were going to have a conference this afternoon and he promised to let me know the result thereof.

F[RANCIS] W[HITE]

721.23/565 : Telegram

The Secretary of State to the Consul at Guayaquil (Clum)

WASHINGTON, December 10, 1932—1 p. m.

Please deliver following message from White to Señor Cruchaga, Minister of Foreign Affairs of Chile, aboard steamship *Santa Barbara* due Guayaquil 13th:

Received your cable of 8th through Legation Panama²⁸ and spoke

²⁸ Telegram No. 168, p. 302.

immediately with Guzman who stated he sent you radio on December 8 to steamer giving reasons why Colombia cannot accept formula suggested. Am keeping in touch with Cohen. Please let me know if I can be of any further service.

STIMSON

721.23/592

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 14, 1932.

Señor Zaldumbide, the Ecuadoran Minister, called and said his Government had told him to take up with us Ecuador's interest in any boundary change in the Amazon region. He said that Ecuador had been very much put out at the Treaty of 1922 between Colombia and Peru which had been negotiated secretly behind Ecuador's back. Ecuador knew nothing about it until very much later. The treaty was made known to Brazil long before Ecuador could get a copy and Brazil had protested regarding it and this resulted in the Tripartite Agreement between Brazil, Colombia and Peru, signed in Washington on March 4, 1925.²⁹ This Tripartite Agreement had also been negotiated without Ecuador's knowing anything about it and as a result, the then Ecuadoran Minister here had been recalled and lost his job.

Señor Zaldumbide said that his Government did not want this to happen a third time; that it would be very prejudicial to the prestige of his country. That was the reason for the circular note sent by the Ecuadoran Government to the various American Governments: it was to advise them that Ecuador has a very keen interest in any settlement in the Amazon region and it does not want any settlement to be made there completely neglecting Ecuador and wants Ecuador to be heard. The Minister said that the United States is the only country that is looked up to as neutral in this hemisphere and everything that happens in American countries of this sort, centers in Washington and as therefore we would know anything that is going on he expressed the hope, on behalf of his Government, that this Government would bear in mind the interest of Ecuador in this question and would use its influence to see that Ecuador had a chance to be heard.

I told the Minister that I, of course, fully understood Ecuador's interest in the matter and how important any change of boundaries in the Amazon region would be for Ecuador. I told him that the United States was not carrying on any negotiations between Colombia

²⁹ *Foreign Relations*, 1925, vol. I, p. 461.

and Peru at the present moment. We had not wanted to seem to play the preponderant role and have it appear that no settlements in these disputes in this hemisphere could be made except in Washington and that we very much hoped that the South American countries would take the initiative to consider this purely South American question.

I told the Minister that there were various aspects to the matter. In the first place, the present issue between Colombia and Peru is over Leticia. In that connection we felt that respect for treaties is the cornerstone of all stability and that if existing treaties are not respected, there could be very little use in making new treaties. Our first interest in this matter, therefore, was to see that existing treaties, namely, the Treaty of 1922, should be respected and lived up to unless changed in the ordinary course by the consent of both parties. To seize territory and state that one would not give it up and that it should be turned over to the country seizing it was not our idea of respect for treaties and we considered it contrary to the Declaration of August 3, and of the Kellogg Pact, because it meant the use of force as an instrument of national policy. If Peru got out of Leticia and then wanted to discuss with Colombia commercial and economic questions arising out of the Treaty of 1922, that was something which was not settled by previous agreement and something which Colombia could discuss with a conciliation committee under the terms of the Gondra Treaty. Territorial questions between Colombia and Peru had been settled, however, and did not appear to be subject to such discussion and that was the position which I understood Colombia had taken.

The Minister said that was so but that Peru demands the return of Leticia and the corridor around it to Peru in return for which Peru will give back to Colombia the territory on the upper Putumayo. I told the Minister that I understood that Colombia was not in a position to accept such a proposal as Leticia is its only outlet to the Amazon and that all its territorial questions with Peru had been settled by the 1922 treaty. To refuse to get out of Leticia, especially on the conditions which the Minister had mentioned, would certainly be to use force as an instrument of national policy. I told him that if only commercial and economic questions were discussed between Colombia and Peru, after Leticia was restored to Colombia, I did not see that this would have any relation to Ecuador's territorial claims. On the other hand, if Colombia changed its position and should, by any chance, state that it would discuss territorial readjustments with Peru in the upper Amazon region, that then questions of serious concern to Ecuador might well come up and I would, of

course, bear in mind what he had told me. I pointed out that even in that case there were limitations on what a third party could do. If this Government should have anything to do with such discussions it could not bring in a third country unless the two parties in dispute so requested and I pointed out to him the position we had taken consistently as regards Bolivia when that country wanted to enter into the discussion of the Tacna-Arica treaty some years ago. We had taken the position that Chile and Peru had asked our good offices and help in settling their problem and we could not complicate the matter by bringing in another country unless the two countries in dispute asked us to do so. The Minister said he understood this point but that he felt that if any questions regarding territorial changes between Colombia and Peru should be brought before this Government, this Government, as a friend of all concerned, could make known to these Governments the interest of Ecuador to have a hearing. I said that this might possibly be done and in the very remote case that such a situation should arise, we would surely bear in mind Ecuador's interest in the matter.

F[RANCIS] W[HITE]

721.23/587b : Telegram

The Secretary of State to the Ambassador in Peru (Dearing)

WASHINGTON, December 20, 1932—6 p. m.

84. Maúrtua today sought out White and said that his suggestion for a solution of Leticia matter is as follows:

For the representatives of Colombia and Peru in Washington to sign immediately a protocol in which Peru will specifically recognize the validity of the 1922 treaty and that Leticia is Colombian and that the Peruvians who took the town on September 1st and the Loreto troops who backed them up should not have done so.

In order to put an end to this usurpation of authority as peacefully and as quickly as possible the two Governments will send a joint commission at once to Leticia to endeavor to persuade these Peruvians to evacuate the town. If the commission is unable after say a month's efforts to bring this about Peru will agree to advise those Peruvians that the Peruvian Government does not support them, call on them to get out while they still may do so without danger to themselves, and publicly declare that Peru will offer no obstacle to Colombia retaking the town by force.

The protocol will then provide that after Colombia has reestablished her authority in Leticia negotiations will at once be opened regarding the landlocked strip of territory on the upper Putumayo which the 1922 treaty gave to Peru and which Peru states it is unable to take possession of because the Colombian-Ecuadoran boundary commission laying the boundary between those countries under the

treaty of 1916³⁰ drew the line not as stipulated in the treaty but in such a way as to make access to that strip of territory inaccessible to Peru except through Colombian and Ecuadoran territory.

In case the two countries after a reasonable time to be agreed upon are unable to reach an accord on this point the matter will be submitted to arbitration.

The protocol will definitely stipulate that in the negotiations to succeed the reestablishment of Colombian authority in Leticia as well as in the possible arbitration to follow, Leticia and the surrounding territory will not be mentioned as this territory is definitely recognized as Colombian.

White inquired whether Maúrtua was making this proposal on the authority of his Government. The latter replied that he was not but that if White would support it he would take it up with his Government and try to get a favorable answer within 48 hours. White asked him to do so.

In your discretion discuss this matter discreetly with Minister of Foreign Affairs and see whether Maúrtua's suggestion meets with the views of the Peruvian Government and whether they will promptly authorize him to proceed on that basis.

STIMSON

721.23/587a : Telegram

The Secretary of State to the Minister in Colombia (Caffery)

WASHINGTON, December 20, 1932—6 p. m.

54. [Here follows first six paragraphs of telegram No. 84, December 20, 6 p. m., to the Ambassador in Peru, printed *supra*.]

Please discuss this matter confidentially and informally with President Olaya. It appears to offer a satisfactory way out giving complete satisfaction to Colombia in that Peru recognizes that the seizure of Leticia was wrong and agrees to try to help get the Peruvians out peacefully and, if unable to succeed, not to oppose Colombia retaking the town. If matters come to the latter pass of course it would be much easier and less costly for Colombia to retake the town if it has only to deal with the people who took the town than if it has to contend with the active opposition of Peru as well. Matter has been discussed with Rublee who strongly favors this solution. Please cable President Olaya's views.

Lozano knows Maúrtua has had conversation with White but does not know any of details.

STIMSON

³⁰ *British and Foreign State Papers*, vol. cx, p. 826.

721.23/595 : Telegram

The Minister in Colombia (Caffery) to the Secretary of State

BOGOTÁ, December 21, 1932—7 p. m.

[Received 9:55 p. m.]

86. Department's 54, December 20, 6 p. m. Olaya's first reaction to Maúrtua proposal is favorable although he said that offhand he saw two decided objections:

1. The joint commission to go to Leticia should be presided over by an American and,
2. The delay mentioned in the fourth sentence of the Department's telegram could not be more than 2 weeks as it would be impossible for him to hold up any longer troops now at, and about to arrive at, Para numbering about 2,000 aboard five vessels under command of Vasquez Cobo.

The President said he would consult his various official advisers tomorrow morning and give me a definite answer in the afternoon.

CAFFERY

721.23/597 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, December 21, 1932—midnight.

[Received December 22—4:04 a. m.]

238. Department's 84, December 20, 6 p. m.

1. Foreign Minister who continues ill has again had violent quarrel with the President and has resigned to take effect early in January. Meanwhile he would seem to be a figurehead and unable to commit this Government to any definite course.

2. Polo informs me Maúrtua's suggestion is not workable because it would never be accepted by Colombia.

3. Maúrtua apparently has not informed Government of his conversation with White of November 16 or of his present suggestion and on 19th cabled a quite different suggestion to this Government. Details by mail.

4. I have on excellent authority Maúrtua not in confidence of Foreign Minister who is refusing to have anything to do with him.

5. Ortiz has gone far, apparently too far, in arranging a direct settlement. Polo affects to believe Ortiz memorandum implies Colombia's willingness ultimately to exchange Leticia for other territory. Accusations of bad faith can thus grow out of the situation and the matter become more confused since Lozano insists this can never be.

6. Polo states the notes to be exchanged were sent to the Foreign Minister's home today and that word is expected momentarily from the Colombian Foreign Minister for the arrangement to go through.

7. Foreign Office expected to announce settlement Christmas Day but his resignation and Colombia's probable definition of just what she understands the Ortiz memorandum to mean will doubtless make settlement impossible.

8. Meanwhile it seems doubtful that Maúrtua has any weight in this Government and the President is trustworthily reported to be becoming more aggressive as news concerning the Colombian punitive expedition now reported to be en route from Curaçao to the Amazon becomes more definite.

9. Further report by mail.

DEARING

721.23/639

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 22, 1932.

I called in Señor Maúrtua this afternoon and in view of telegram 238, December 21, midnight, from Lima and the difficulty that had arisen between Maúrtua and Guzman I showed him my memorandum of my conversation with him on the 20th instant³¹ and asked him to read it and tell me any way in which I misrepresented him.

After reading it he said that I had an excellent memory and had put everything down in substance and though I had got his ideas clearly there were some points of difference in wording. I told him that wording, even though a small detail, is of the utmost importance and that in order to avoid any misunderstanding I would like him to tell me exactly how I had misinterpreted him.

He said that the introductory paragraph concerning his observations about our general Latin American policy represented purely his own personal views and not those of his Government. It might look from my memorandum as though he were soliciting the help of the United States Government in this matter. He has not been instructed or even authorized by his Government to do so. In this connection he said that Freyre had cabled the Peruvian Government that I was very much opposed to the action Peru had taken and that they could not expect any support from me and that therefore he did not expect that he would get instructions to ask us to take the matter up.

As to his proposal he began at once to hedge about the recognition

³¹ Not printed.

of Leticia as Colombian. I told him that that was what he had said and that his Government in notes to the Colombian Government and to the Permanent Commission here had recognized that the treaty is perfectly valid. He said that that was quite true, that it all depended on how it is said, that one has to take into account the susceptibilities of Governments and he thought it would be sufficient to say that Peru would cooperate with Colombia to get the Loretanos out of Leticia. This would indicate of course that Leticia was Colombian. I told him that that was different from what he had proposed the other day. He said that that was the substance of what he had wanted to convey.

He also said that it was his idea that the Joint Commission should go not only to Leticia but to the Peruvian province of Loreto as well. I told him that that had not been mentioned by him to me and that I did not know whether that would be acceptable to Colombia or not. I personally doubted whether Colombia would want to do so as she has no concern with Peruvian internal affairs but merely wants the Peruvians who have illegally usurped authority in her country to get out. Maúrtua said that on the contrary it would be helpful to Colombia as the Commission would go not only to Colombian territory but to Peruvian as well. I said that if he wanted to put that in the proposal that was something to be discussed with the Colombians.

Maúrtua also objected to mentioning any definite time limit for the negotiations such as I had suggested of one month. He thought this should be left indefinite. I told him that I disagreed with him, that the Colombians would naturally want to know that these negotiations would not drag on indefinitely and that some time limit would have to be attached to it.

Maúrtua asked if he might take a copy of my memorandum and send me a statement of just what he had said. I told him that I thought our conversation had not brought forth that I had incorrectly interpreted what he had said but that if he was not willing to stand by his own proposal as I had it set forth in the memorandum I wished he would take a copy and put in writing so there would be no misunderstanding whatsoever exactly what he would stand by. He said he would do so. I asked him to try to get it back to me tomorrow.

F[RANCIS] W[HITE]

721.23/614 : Telegram

The Minister in Colombia (Caffery) to the Secretary of State

BOGOTÁ, December 23, 1932—8 p. m.

[Received 10:45 a. m.]

88. Department's telegram No. 54, December 20, 6 p. m. Olaya accepts proposal in principle but because of lack of confidence in Peru's good faith desires a procès-verbal similar to that of March 4, 1925, instead of a bilateral protocol (Olaya says procès-verbal would not have to be submitted to Congress; other agreement might).

He desires following modifications:

Third paragraph of the Department's telegram. Commission to include representative of Government of the United States and to be at Leticia by January 10th; delay mentioned in second sentence to be radically shortened (because of public pressure here calling for immediate departure of Vasquez Cobo's expedition for Leticia and possible usage by Peruvian Army of delay to strengthen forces).

Fourth paragraph of Department's telegram. After reestablishment of Colombian authority at Leticia, Peru to send special mission to Bogotá to discuss interpretation of first paragraph of article No. 1 of Salomón-Lozano treaty in so far as it refers to sector between Sucumbios and Putumayo Rivers (or if preferred by regular diplomatic channels). Colombia and Peru to agree to resort to good offices of the United States, conciliation or arbitration if direct negotiations are not successful within about a year.

Full text of Olaya's memorandum forwarded by air mail today.

Olaya has just telephoned me he hears Lopez has had conversation with White in which Lopez expressed opinions with which he is not in accord; he stands by this telegram and the memorandum being forwarded.

CAFFERY

721.23/599 : Telegram

The Secretary of State to the Minister in Colombia (Caffery)

WASHINGTON, December 23, 1932—7 p. m.

55. Your 87, December 22, 5 p. m.⁸² In view of past misunderstandings between Guzman and Maúrtua and a telegram from Lima indicating Maúrtua may not have transmitted proposal as he stated to White on the 20th, White yesterday showed him copy of memorandum of his conversation of 20th and asked him to indicate any way in which it did not fully represent his views. Maúrtua indicated

⁸² Not printed.

that it did represent what he had said but he would want to make some verbal changes and White asked him to prepare and bring in in writing as quickly as possible exactly what he will stand by. It was promised for this afternoon and is now promised for tomorrow morning. Lozano has been advised of this and that it seems best to await Maúrtua's own written statement before giving him anything in writing.

STIMSON

721.23/662

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 29, 1932.

Mr. Cohen called and told me that while he had not heard directly from Señor Cruchaga since the latter has arrived in Santiago he has heard from other sources that Cruchaga had conversations with the Peruvian authorities when he was in Lima and that all negotiations had broken down. By this he meant not only what Cruchaga had attempted but also all negotiations between Garcia Ortiz and the Peruvian Government. He said that the two countries seemed to have arrived at an impasse because the negotiations between Maúrtua and Guzman here had also broken down.

F[RANCIS] W[HITE]

721.23/623 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, December 29, 1932—4 p. m.

[Received 5:35 p. m.]

243. 1. Embassy informed Peru making strenuous efforts directly and through Chile to induce Brazil to stop Colombian flotilla from going up Amazon or to intercede with Colombia in some way so conversations for some arrangement of Leticia matter can continue here.

2. Chile is improving situation to benefit her commercial interests and I can see no promising advance in Peruvian ideas under new Foreign Minister. In two conversations initiated by him I have told him plainly that in my opinion Peru must do nothing to obstruct reestablishment of Colombian authority at Leticia and that until the present wrong is righted Peru cannot expect to have the good opinion of the world or to have anything to say about treaty revision,

and that a solution and the responsibility in the present situation clearly lie with Peru which can at any moment by a simple public declaration rectify the whole matter. Further report by mail.

My 238.³³ Colombian Minister informs me Olaya has not empowered Ortiz to speak officially and has no intention of considering any geographical changes or compensation based on the present state of affairs.

DEARING

721.23/633 : Telegram

The Ambassador in Brazil (Morgan) to the Secretary of State

RIO DE JANEIRO, December 30, 1932—11 a. m.

[Received 11:10 a. m.]

130. For the Secretary and Under Secretary. Brazil, believing that an armed clash on the Amazon is imminent in view of war preparations of Colombia and Peru, will suggest to Colombian Minister, following proposition. Peru to cede to Brazil Letician disputed territory, which, after Brazilian occupation, will be restored to Colombia on the understanding that both countries will agree to settle the territorial dispute by conversations at the Brazilian Foreign Office in which Ecuador also may be invited to participate, Brazil acting only as mediator. Peru will not be approached until Colombia's opinion has been ascertained.

Meantime Brazil is stationing a strong squadron at Para and is prepared to send 8,000 troops to Leticia, where 1800 will soon be located. These measures to protect Brazil's neutrality.

In strict confidence Foreign Minister would be glad to learn Department's reaction to this plan.

MORGAN

721.23/633 : Telegram

The Acting Secretary of State to the Ambassador in Brazil (Morgan)

WASHINGTON, December 30, 1932—9 p. m.

100. Your No. 130, December 30, 11 a. m. You may say to the Brazilian Government that any solution of the Leticia matter which is acceptable to both Colombia and Peru will be learned of with the greatest pleasure and satisfaction by this Government. This Government is glad to learn that the Brazilian Government is taking an active interest in trying to find a solution to the matter.

³³ December 21, midnight, p. 308.

Colombian Minister had been advised of this proposal by his Government and inquired of White this afternoon regarding his views. He was told that this Government of course would be glad of any solution satisfactory to both countries and expressed the hope that the Colombian Government would examine any proposal with greatest care to see whether it offered a satisfactory way out.

CASTLE

721.23/632 : Telegram

The Ambassador in Peru (Dearing) to the Secretary of State

LIMA, December 30, 1932—10 a. m.

[Received 12 noon.]

244. Leticia: For White. Embassy has practically certain information to the effect Maúrtua is reporting to Manzanillo that White is favorable to neutralization of Leticia and placing it under control of a third country, possibly Brazil, until the matter can be settled. Would it be advantageous to show Manzanillo record of White's conversation of November 16th so Manzanillo will clearly understand White's position? I mistrust Maúrtua and regard Manzanillo's stand as unconscionable and I do not think Colombia would for a moment fall for the suggestions of either which are completely at variance with what I understand White's stories to be. They are in active conversation by long distance telephone. Please instruct.

DEARING

721.23/632 : Telegram

The Acting Secretary of State to the Ambassador in Peru (Dearing)

WASHINGTON, December 30, 1932—10 p. m.

88. Your No. 244, December 30, 10 a. m. was delivered to White just as Maúrtua was leaving his office today. At today's meeting Maúrtua for the first time brought up question neutralization of Leticia or rather of its demilitarization. Maúrtua therefore did not correctly report if he stated that White had been favorable to this project. Maúrtua suggested today that Leticia should be demilitarized and also an equivalent adjoining Peruvian territory similarly demilitarized once Colombian authority was reestablished in Leticia in order to prevent a recurrence of the September 1 incident. White definitely told Maúrtua that he did not think this proposal would appeal to or be acceptable to the Colombian authorities.

Department's telegram 84 of December 20, 6 p. m. sets forth clearly Maúrtua's proposal of that date. A memorandum of the conversation was shown to Maúrtua, who has recognized in writing that he made the proposal set forth therein. He now desires to change the proposal, however, and in material respects. White told him that he would have to put his proposal in writing and state definitely in writing that his Government desired such a proposal made on its behalf to Colombia for this Government to take any further interest in the matter.

For your strictly confidential information Colombian Government has accepted in principle a discussion on the basis set forth in telegram of December 20.

Department does not desire you to show Manzanillo record of White's conversation with Maúrtua of November 16th.

CASTLE

EXTENSION OF GOOD OFFICES OF THE UNITED STATES IN CONCILIATING DIFFERENCES BETWEEN ARGENTINA AND URUGUAY

733.35/12 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

Buenos Aires, July 13, 1932—9 p. m.

[Received July 14—1:37 a. m.]

55. At weekly diplomatic reception this afternoon Minister for Foreign Affairs¹ told me he had received intimation that Uruguay would probably break relations with Argentina on the grounds that the Uruguayan warship sent to Buenos Aires for the July 9th celebrations had been kept under close surveillance by Argentine authorities. I have just confirmed that Uruguay has now broken off diplomatic relations.

The Minister explained to me at length that a considerable number of Argentine political refugees were making Uruguay a base for active propaganda against the Justo Government among them being Toranzo an ex-general in the Argentine Army. Shortly before the Uruguayan ship left Montevideo Toranzo went on board and was received with honors. Believing this action was taken without the knowledge of Uruguayan President, the Argentine Ambassador in Montevideo was instructed to bring the matter to the attention of the Uruguayan President. He found that President knew of it. Minister for Foreign Affairs gave me to understand that Toranzo may have been transferred to another vessel or have left the ship in a motor boat.

Despite this action of the Uruguayan Navy the Minister said the officers of the ship were well received, invited to and attended all functions in connection with anniversary celebration.

Minister for Foreign [Affairs] said that if Uruguay should break off diplomatic relations it would be because she feared an energetic protest would be made by Argentina against the action above outlined in receiving on board with honors and sailing with Toranzo,

¹ Dr. Carlos Saavedra Lamas.

a fugitive from military justice in Argentina because of his conspiracies against the Provisional Government (see my despatch 1131, March 5, 1931).²

BLISS

733.35/13 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, July 14, 1932—noon.

[Received 2:40 p. m.]

37. In a note yesterday the Minister of Foreign Affairs informed Argentine Ambassador of decision of Uruguayan Government to sever diplomatic relations with Argentina.

“As a result of the attitude of the Argentine authorities toward the Uruguayan cruiser *Uruguay* on the occasion of the visit of this warship to Buenos Aires to salute the Argentine Nation on the anniversary of its national independence” described as “an insult to Uruguayan dignity”. It appears that Argentine naval authorities submitted Uruguayan cruiser to measures of surveillance in the erroneous belief that an Argentine political exile was on board. Argentine Ambassador handed his passport and the Uruguayan Ambassador recalled from Buenos Aires.

WRIGHT

704.3335/1 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 14, 1932—noon.

[Received 12:50 p. m.]

56. Counselor of Uruguayan Embassy has just called informing me that he had been instructed by Uruguayan Minister for Foreign Affairs to ask if this Embassy would assume charge of Uruguayan interests during interruption of diplomatic relations with Argentina. I replied that I would immediately inform the Government at Washington and advise of the answer received. Argentina has entrusted its interests in Uruguay to the British Legation.

BLISS

² Not printed.

733.35/14 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 14, 1932—5 p. m.

[Received 6:40 p. m.]

57. Colombian Minister called today to say that he considered the selection by Argentina of a European country to represent her interests in Uruguay a grave breach against Pan-Americanism and that he had with the approval of his Government addressed informal letters to Argentine and Uruguayan Governments (he is also accredited to Uruguay) expressing regret at breaking off of diplomatic relations and his desire that the matter should be adjusted between them by good offices of American Governments. He expressed his intention of seeking opinions of his other American colleagues and asked if I did not think it of paramount importance to prevent any European country's being brought into settlement of a political disagreement between American states. I replied that personally I was an ardent advocate of Pan-Americanism but whether the United States would offer good offices in given situation on the American continent either separately or jointly with other Governments was a matter for decision by the Government at Washington.

BLISS

733.35/16 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 14, 1932—6 p. m.

[Received 8:25 p. m.]

58. When calling on Under Secretary for Foreign Affairs 15 minutes ago regarding routine Embassy question, he said that the reason which had decided Argentine Government not to request United States to assume charge of the Argentine interests in Uruguay was to enable the United States Government to feel free of any obligations to either party should it be inclined to offer its good offices to the two Governments. He said further that he had been instructed to say to me that Argentina would welcome an offer of good offices from the United States and that the Minister for Foreign Affairs, as soon as Brazilian Ambassador had left him, would confer with the President to decide on cabling instructions to Espil to present Argentine view to the Secretary of State. I asked if he desired me to cable my Government in the sense of what he had said to me and he rejoined that he would be grateful if I would do so.

If the Department views favorably the suggestion of offering good offices it might prefer to do so in the first place as alternative to accepting Uruguay's request assume charge her interests in Argentina.

BLISS

733.35/15 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 14, 1932—8 p. m.

[Received 8:46 p. m.]

59. My 57, July 14, 5 p. m. Colombian Minister informed me by telephone that he talked with Spanish Ambassador in the same sense as with me, that the Ambassador had seemed favorably impressed and replied he would confer with me. Colombian Minister stated he had not broached the subject to any other colleague. I imagine that he has realized impracticability of his proposed action.

BLISS

733.35/16a : Telegram

The Secretary of State to the Minister in Uruguay (Wright)

WASHINGTON, July 15, 1932—4 p. m.

13. Uruguayan Legation at Buenos Aires requested our Embassy there to take charge of Uruguayan interests. Department authorized Embassy to do so and Bliss advised Counselor of Uruguayan Legation last night that he would take charge of Uruguayan interests.

Argentine Government is anxious for the United States to use its good offices to try to arrange the misunderstanding and restore relations. Please inquire discreetly of Uruguayan Government whether it would look with favor upon such action on our part. If both Governments so desire, of course this Government would be delighted to be of any assistance to them in settling this misunderstanding.

Have any other American countries offered their good offices in this connection?

STIMSON

733.35/17 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, July 16, 1932—1 a. m.

[Received 1:52 a. m.]

38. My 37, July 14, noon. Department's 13, July 15, 4 p. m. Minister for Foreign Affairs invited me to Foreign Office this afternoon to give me an account of what had taken place and explain briefly Uruguayan point of view. He requested me to inform my Government that he had done so.

Minister for Foreign Affairs expressed appreciation of our action in taking charge of Uruguayan interests in Buenos Aires and desired to formalize this situation by exchange of notes with me. He proposes to request United States to assume charge of Uruguayan interests in Buenos Aires by a note dated July 13 and should Department so authorize me I suggest that my reply be dated July 14th, date on which oral reply was made by Ambassador Bliss to oral request.

Minister for Foreign Affairs stated that no country had offered its good offices as yet although Paraguayan Minister for Foreign Affairs had intimated to Uruguayan Minister at Asunción that Paraguay might shortly offer its good offices.

British Legation has taken charge of Argentine interests here.

Public is entirely calm and saner elements are urging that incident be terminated at earliest possible moment.

Repeated to Buenos Aires.

WRIGHT

733.35/20 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, July 16, 1932—2 p. m.

[Received 1:45 p. m.]

40. Your 13, July 15, 4 p. m. Minister for Foreign Affairs states Uruguayan Government will be happy to accept good offices of the United States.

Repeated to Buenos Aires.

WRIGHT

733.35/17 : Telegram

The Secretary of State to the Minister in Uruguay (Wright)

WASHINGTON, July 16, 1932—3 p. m.

14. Your 38, July 16, 1 a. m. does not state whether you have inquired discreetly of Uruguayan Government whether it would look with favor upon use of our good offices to try to arrange misunderstanding and restore relations. Department does not desire to do so until it knows that its offer will be acceptable. Please cable as soon as possible.

STIMSON

733.35/21 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, July 16, 1932—midnight.

[Received July 17—1:40 a. m.*]

41. Department's 13, July 15, 4 p. m. and 14, July 16, 3 p. m., my 39 [40?], July 16, 2 p. m. Minister for Foreign Affairs has repeatedly expressed his gratification at the willingness of the United States to use its good offices saying "nothing could be more agreeable to himself and to the President".

Minister for Foreign Affairs after conference with President invited me to discuss the matter again this afternoon keeping in further telephonic communication with the President.

Minister for Foreign Affairs requested me to cable Department at once his desire that negotiations looking to a resumption of diplomatic relations with Argentina proceed with all possible speed owing danger in prolonging disagreements especially between conterminous countries.

Actually severance of relations has proved unpopular move in Uruguay and position of Uruguayan Government is becoming increasingly embarrassing.

Minister of Foreign Affairs suggests that "some simple solution" might be satisfactory to Uruguayan Government such as "exchange of salutes"; but believes that it should be agreed in advance that neither Government will request agreement again for the same Ambassadors. Feeling his way toward a possible plan of procedure Minister of Foreign Affairs suggested tentatively that each Government prepare a memorandum on its case including any proposals which may desire to make for a settlement and submit both memoranda simultane-

* Telegram in two sections.

ously to the two American missions (and through them to the Department) for study. As soon as possible thereafter Ambassador Bliss and I should simultaneously open conversations with Argentine and Uruguayan Ministers of Foreign Affairs respectively on the basis of those memoranda. I asked if the Uruguayan Government would be ready to deliver such a memorandum by Tuesday and the Minister of Foreign Affairs replied that it could be delivered Monday the 18th.

As an alternative or supplementary plan Minister of Foreign Affairs suggested that two Ministers of Foreign Affairs confer personally under auspices American representatives.

Repeated to Buenos Aires.

WRIGHT

733.35/19 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, July 17, 1932—2 a. m.

[Received 2:35 a. m.]

42. My 41, July 16, midnight. Presence here of two United States Coast Guard vessels offers possible opportunity for conference on board between representatives of both Governments. Bliss concurs in this suggestion. Please advise whether we may be authorized to propose this to Uruguayan and Argentine Governments.

WRIGHT

733.35/19 : Telegram

The Secretary of State to the Minister in Uruguay (Wright)

WASHINGTON, July 17, 1932—1 p. m.

15. Your 41, July 16, midnight and your 42, July 17, 2 a. m. Department willing to adopt any procedure that recommends itself to both Governments. The suggestion for a personal conference of the Ministers of Foreign Affairs of both countries under the auspices of the American diplomatic representatives on board the Coast Guard vessels now in Montevideo would seem to be the most expeditious method, provided these vessels are available for this purpose. The commander of these ships should be consulted on this point.

Repeated to Buenos Aires.

STIMSON

733.35/22 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 17, 1932—6 p. m.

[Received 11:44 p. m.]

61. Minister Wright informs me by telephone of his two conversations with Uruguayan Minister for Foreign Affairs.

I have therefore just talked with Argentine Minister for Foreign Affairs at his residence. He says the Argentine Government will not take the initiative in the existing situation; it maintains an expectant attitude that Uruguay will rectify by a frank avowal its mistake in having summarily broken off diplomatic relations contrary to all diplomatic usage, international treaties and protocols. He considers moreover that the reasons Uruguayan Minister for Foreign Affairs is alleged to have given in secret session of legislature as basis for his action are unfounded and that the Uruguayan Government has placed itself in a most equivocal position from which it can extricate itself only by a frank disavowal of its unprecedented procedure. He referred to incident occurring some years ago in Rio de Janeiro when Brazilian Government protested against the reception on board a United States war vessel of a Brazilian refugee politician and the United States Government had at once made ample apologies and relieved the commanding officer.

The Minister repeated what had been said to me by Under Secretary that United States good offices would be welcome but that Uruguay must first make the gesture of disavowal of its act. He also told me he had said to Colombian Minister in response to note delivered at 2 a. m. July 14 offering good offices, that other Governments had already made similar offer. I understand he had made this reply to leave his hands free and not to offend Colombian Minister by later accepting United States good offices. Have informed Wright by telephone of above in fuller detail.

BLISS

733.35/23 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 18, 1932—7 p. m.

[Received July 19—1:03 a. m.]

62. My 61, July 17, 6 p. m. It appears that the Argentine Government encouraged by the criticism directed against Uruguayan Government in its own country and presumably in the hope of resignation of Blanco, now insists upon a frank disavowal by Uruguay as a condition precedent to mediation.

I have had numerous interviews with Argentine Minister for Foreign Affairs, the particulars of which it will be sufficient to communicate by air mail and indicated to him very plainly that I considered that his attitude amounted to a flat reversal of the assurances upon which United States good offices were proffered. All that I was able to obtain from him, however, was a statement that these good offices were accepted in principle but that it is premature to make any announcement. He added in strictest confidence that overtures had been received by Argentine President from Uruguayan President for direct settlement between the two chief magistrates. Lest this opening prove abortive naturally nothing should be said about it. He told me that he might have some further information Wednesday.

While I consider that the course of the Minister for Foreign Affairs as regards our good offices is lacking in correctness still I see no necessity for adopting any other attitude than that of awaiting developments. I am keeping Wright fully informed by telephone.

BLISS

733.35/25a : Telegram

*The Secretary of State to the Ambassador in Argentina (Bliss)*⁵

WASHINGTON, July 19, 1932—5 p. m.

44. Department leaves to you and the Minister at Montevideo full discretion in the matter of rendering good offices to Argentina and Uruguay and Depart. will take no action except on your suggestion.

Admiral Hamlet, Commandant of the Coast Guard, states that vessels may remain at Montevideo if necessary for a week or 10 days after their scheduled departure on July 20, and that the commanding officer, Commander Jones, has entire discretion to comply with your request to that effect.

Keep Department informed of developments.

STIMSON

733.35/25 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, July 20, 1932—11 a. m.

[Received 11:15 a. m.]

43. President of the Republic personally authorized me yesterday to inform President of the Argentine Republic through our Ambassador that he believes the best method for the solution of the present difficulty would be a personal conversation between the chiefs

⁵ The same, *mutatis mutandis*, July 19, to the Minister in Uruguay.

of state, that he hopes that such may soon take place, and that he is prepared to accept with appreciation the offer of our Coast Guard vessels as a place for such conversations. I have communicated this to Bliss with whom I am in constant telephone communication and also confidentially to commander of the American squadron.

Repeated to Buenos Aires.

WRIGHT

733.35/26 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, July 20, 1932—6 p. m.

[Received 7:12 p. m.]

44. Uruguayan press today carries Department's announcement to the press regarding extension of our good offices. The delicacy of the situation arising from the change in attitude of the Argentine Government, of which Bliss has kept me closely informed, has rendered it advisable for me to limit my reply to all press inquiries here:

"I have as yet received no official information that my Government has made such an announcement to the press."

WRIGHT

733.35/27 : Telegram

The Ambassador in Argentina (Bliss) to the Secretary of State

BUENOS AIRES, July 20, 1932—6 p. m.

[Received 7:47 p. m.]

63. Yesterday afternoon I acquainted Minister for Foreign Affairs with desire of President of Uruguay to meet President of the Argentine Republic in endeavor to settle present controversy. Minister for Foreign Affairs said that overtures of a similar nature had been made through private channels and that matter was under consideration.

Statement concerning good offices made by Assistant Secretary White reported differently this morning by newspapers using Associated and United Press services. Former claimed Departmental statement that Argentina and Uruguay have accepted United States offer of mediation; the latter that United States had tendered good offices and that diplomatic representatives in both countries gathered that these would be favorably received. The press publishes a categorical denial by the Minister for Foreign Affairs that Argentina had accepted good offices from my country. At diplomatic reception this afternoon he made no allusion whatever to me in regard to Uruguayan affair.

BLISS

788.35/40

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] July 22, 1932.

Mr. Espil called and after inquiring about the Chaco matter,⁶ on which I brought him up to date and gave him copies of our telegrams to the Ministers of Foreign Affairs of Bolivia and Paraguay, brought up the question of our action in bringing about a conciliation of the differences between Argentina and Uruguay. He had a long telegram from his Government which showed that there was a misunderstanding or, more probably, that Argentina had changed her mind in view of the feeling in Uruguay against the action of that Government in breaking off diplomatic relations, and that Argentina apparently thinks they can gain more of a diplomatic victory over Uruguay by not having a third power exercise good offices.

I told Mr. Espil that we had taken no initiative in this matter; that the initiative had come from the Argentine Government. Mr. Alcorta, the Under Secretary of Foreign Affairs, had told Mr. Bliss, as he reported to us in a cable of July 14, that Argentina would welcome the exercise by us of good offices. Mr. Bliss had called me up on the telephone on July 15 and had told me that the Argentine Government was anxious for us to act in the matter and the Department had taken the position that we were only too glad to be of any help to any countries in this hemisphere that desired our assistance. We had accordingly asked Mr. Wright to make discreet inquiries of the Uruguayan Government to know whether such action would be welcome to them because we would only act if both parties so desired. The Uruguayan Government had been glad for us to do so and Mr. Bliss and Mr. Wright, in Buenos Aires and Montevideo respectively, have since been doing everything they possibly could to be of service to the two Governments. If now the situation is changed, and one of the parties does not desire our good offices, of course we would desist therefrom at once, and while Mr. Espil was here I dictated a telegram to Buenos Aires in this sense⁷ which Mr. Espil said properly set forth the views of his Government.

F[RANCIS] W[HITE]

⁶ See pp. 8 ff.

⁷ *Infra.*

733.85/23 : Telegram

The Secretary of State to the Ambassador in Argentina (Bliss)

WASHINGTON, July 22, 1932—4 p. m.

46. For the Ambassador. Argentine Ambassador called at Department this morning and explained the present feeling of the Argentine Government regarding the good offices of the United States in settling the controversy with Uruguay. There is an apparent misunderstanding regarding the desire of Argentina for the good offices of a third country as set forth in your No. 58 of July 14, 6 p. m., or else a change in feeling as set forth in your No. 62 of July 18, 7 p. m. As the Department has very carefully stated it is most happy to be of assistance in settling this misunderstanding but any offer to do so is of course predicated upon this action being welcome to both the parties, and in view of the fact that at the present at least it is not welcome to the Argentine Government, the Department desires you to take no further action in the matter for the present, advising the Argentine Government that your action up to now in the matter was based on the belief that such assistance as you could give was welcomed and desired by them, and that as this appears not to be the case at present that you can take no further action in the matter unless requested by them to do so. You may add that a copy of this telegram is being sent to the Legation in Montevideo in order that Uruguay will know that the assistance of the United States not being desired by one of the parties the United States has desisted for the time being from taking any further steps in the matter.

Should the Argentine Government later indicate its desire for some assistance on our part, please so inform the Legation in Montevideo in order that it may inquire whether such action would at that time be agreeable to the Uruguayan Government also. This Government is always desirous of course of being of help to any of the nations of this hemisphere but will only act at any given time if such action is agreeable to all the parties at interest.

Repeat to Montevideo as Dept.'s 18.

STIMSON

733.35/48

The Ambassador in Argentina (Bliss) to the Secretary of State

No. 1733

BUENOS AIRES, July 28, 1932.

[Received August 8.]

SIR: Supplementing my despatch No. 1730¹⁰ transmitting newspaper statement attributed to the Minister for Foreign Affairs and a copy of the note I sent to Dr. Saavedra Lamas in reference to it, I have the honor to enclose a copy with translation) of his reply,¹⁰ to which reference was made in my telegram No. 65 of July 23, 12 noon.¹⁰

There is also enclosed a copy of a letter I addressed to the Minister to acknowledge his said answer and in which I expressed the instructions contained in the Department's confidential cablegram No. 46 of July 22, 4 p. m. With this exchange of communications I consider as closed the matter of the offer of the good offices of the United States, at least for the time being.

I am not informed as to what progress has been made in the direct negotiations between the two countries, looking to a renewal of diplomatic relations. I think that Argentina is seizing this occasion to endeavor to find a means to induce Uruguay to take measures, which it apparently has failed to do in the past, to keep strict control over Argentine political refugees and to curtail the activity of the Communist distributing center in Uruguay. An intimation to this effect might be deduced from a newspaper report given out by an Argentine official that from Montevideo an active distribution of Communist propaganda to Argentina and other South American countries was carried on. In yesterday's *El Diario* of Montevideo it was stated that this report was being given attention by the Uruguayan authorities and that President Terra was interested in the accusation and would undoubtedly order an immediate investigation.

Respectfully yours,

ROBERT WOODS BLISS

[Enclosure]

The American Ambassador (Bliss) to the Argentine Minister for Foreign Affairs (Saavedra Lamas)

BUENOS AIRES, July 25, 1932.

DEAR MR. MINISTER: In acknowledging the receipt of your courteous letter of July 22,¹⁰ may I take the occasion to recall that the offer of good offices in the controversy between Argentina and Uruguay,

¹⁰ Not printed.

which I had the honor to make to Your Excellency on behalf of my Government, was, of course, predicated upon this action being welcome to both the parties concerned. The action I have taken in the matter was likewise based on the belief that such assistance as I could give on behalf of my Government would be welcomed and desired by the Argentine Government. My Government desires me, therefore, to advise Your Excellency's Government that it would have been happy to be of assistance in settling the misunderstanding between the two Governments, but as it now appears that its good offices are not, at the present time at least, welcome to Your Excellency's Government, it desires that I should take no further action in the matter unless subsequently requested to do so by Your Excellency.

The American Legation in Montevideo has been informed in order that the Government of Uruguay may know that the assistance of the United States not being desired by one of the parties, the Government of the United States has desisted for the time being from taking any further steps in the matter.

Your Excellency, who is so thoroughly familiar with the diplomatic history of my country, will realize that my Government is always desirous of being of help at any time to the nations of this hemisphere, but naturally it will only act at any given time if such action is agreeable to all the parties at interest.

I do not wish to close this letter without referring to the mention kindly made by Your Excellency to the flattering personal allusion in *La Razon* interview, which I interpret as a confirmation of the frank and cordial official dealings that have spontaneously arisen from our friendly personal relations.

With renewed assurances [etc.]

ROBERT WOODS BLISS

733.35/51 : Telegram

The Minister in Uruguay (Wright) to the Secretary of State

MONTEVIDEO, September 12, 1932—4 p. m.

[Received 4:55 p. m.]

53. Diplomatic relations with Argentina resumed today by identic decrees following exchange of notes negotiated by Amezaga, confidential agent of Uruguay. Minister for Foreign Affairs who has shown me texts before publication expresses renewed appreciation of our charge of Uruguayan interests. Texts by mail.

WRIGHT

EFFORTS OF COSTA RICA TO EFFECT THE DENUNCIATION OF THE GENERAL TREATY OF PEACE AND AMITY, SIGNED FEBRUARY 7, 1923

713.1311/121 : Telegram

The Secretary of State to the Minister in Costa Rica (Eberhardt)

WASHINGTON, November 11, 1932—6 p. m.

37. Your despatch No. 1168, October 28.¹ Associated Press despatch published in *La Prensa*, New York, dated San José, November 9, states that President Jiménez has announced that he will denounce the Treaty of Peace and Amity of 1923.² Please report by telegraph. Department does not desire you to discuss this matter with Costa Rican officials beyond a possible inquiry for confirmation of this report.

STIMSON

713.1311/108 : Telegram

The Minister in Costa Rica (Eberhardt) to the Secretary of State

SAN JOSÉ, November 12, 1932—9 a. m.

[Received 11:35 a. m.]

69. Your telegram No. 37, November 11, 6 p. m. I confirmed President Jiménez' announcement as published on 9th instant. Full details are given in my despatch 1184 of November 10th.¹ Subject has not been discussed with officials or others.

EBERHARDT

813.00 Washington/388

The Minister in Guatemala (Whitehouse) to the Secretary of State

No. 826

GUATEMALA, November 14, 1932.

[Received November 21.]

SIR: I have the honor to report that on Friday evening the Minister of Foreign Affairs³ inquired whether I had received any information from the Department regarding the announcement of President

¹ Not printed.

² *Conference on Central American Affairs*, p. 287.

³ A. Skinner Klee.

Jiménez to the press that Costa Rica intended to denounce the General Treaty of Peace and Amity of 1923.

When I replied in the negative, he said that he regretted extremely this action of President Jiménez which came at the most inopportune moment in view of the recent Honduran and Nicaraguan elections,⁴ and was likely to cause trouble in Central America.

In a further conversation with the Minister this morning, he reiterated his opinion that the Treaties and especially Article 2 had been of great value to Central America, and that if modifications were needed, these should be for the purpose of strengthening rather than weakening it. He seemed to think that the government of General Martínez in Salvador⁵ had perhaps been the cause of this declaration of President Jiménez, but he had no information on this point, and was rather puzzled as to why President Jiménez should have so acted, since he had clearly benefited by the Treaty in the case of Castro Quesada's revolt.⁶ He incidentally added that perhaps he still stood to benefit by it, as the Guatemalan Government had recently been approached by some prominent Costa Ricans who desired to start a revolution there, but they naturally had been given no encouragement by him.

Finally Mr. Skinner Klee said that, if the idea met with the Department's approval, he would be glad to convoke a conference of the Central American Republics to discuss the Treaties, and requested me to put the matter before you. He is also instructing the Guatemalan Minister in Washington to ascertain your views.

While I think Mr. Skinner Klee is sincere in his support of the 1923 treaties, and the Guatemalan Government has lived up to them at some sacrifice, as is shown by its refusal to conclude a treaty of commerce with the government of General Martínez which would be to its advantage, I feel that behind his proposal is also the natural desire to increase Guatemalan prestige and leadership in Central America, which in present circumstances may not be agreeable to the other Republics, and there is the further complication of an unrecognized government in Salvador.

On the other hand, if the Department desires to save the Treaties, I believe some active steps should be taken, for there is a possibility that Guatemalan support of them may become very lukewarm if the present rather anomalous situation continues too long. I base this belief on the fact that a close friend of President Ubico took occasion a little while ago to turn a conversation with me on to the difficulty

⁴ See sections entitled "Insurrection in Honduras," pp. 709 ff., and "Assistance by the United States in the Supervision of Elections in Nicaragua," pp. 785 ff.

⁵ See pp. 566 ff.

⁶ See pp. 512 ff.

of finding a successor for him, and remarked that it was a great pity his re-election was forbidden. And only about ten days ago the Minister of Foreign Affairs himself in speaking of the Treaties said that if the other Republics wished to denounce them, there would be after all consolation for Guatemala in the fact that then General Ubico could continue in the Presidency for as long as he wanted to.

I do not wish to imply that President Ubico has any such idea in his head at present, but the possibility is there, and while in his particular case it would probably be a good thing, the principle is disastrous.

Respectfully yours,

SHELDON WHITEHOUSE

713.1311/109 : Telegram

The Minister in Costa Rica (Eberhardt) to the Secretary of State

SAN JOSÉ, November 15, 1932—2 p. m.

[Received 4:25 p. m.]

70. Minister Pacheco called to inform me confidentially that principally to further his own prestige in Central America he is endeavoring to secure permission from President Jiménez to proceed to Guatemala to confer with President Ubico for the purpose of calling a conference of emissaries from the co-signers of the 1923 Treaty of Peace and Amity with a view to forthwith denouncing the treaty and recognizing the Martínez regime.

EBERHARDT

713.1311/117

The Minister in Costa Rica (Eberhardt) to the Secretary of State

No. 1194

SAN JOSÉ, November 15, 1932.

[Received November 21.]

SIR: For the information of the Department, I have the honor to transmit herewith two self-explanatory memoranda which refer to the subject of my telegram No. 70 of November 15, 2 p. m. (1932).

Respectfully yours,

CHARLES C. EBERHARDT

[Enclosure 1]

Memorandum by the Minister in Costa Rica (Eberhardt)

SAN JOSÉ, November 12, 1932.

This morning, at the close of one of my regular visits to the Foreign Office, Minister Pacheco insisted on bringing up the subject very dear to his heart—that of the Central American Pacts of 1923 and the rela-

tions of the other co-signers thereof with the present régime in El Salvador. He appears to have been prompted to take up this subject again by the almost unanimously favorable reception which had been accorded, not only in Costa Rica but also throughout Central America, to the recent publication in the local press of President Jiménez' statement concerning his proposal to enter Costa Rica's denunciation of the Treaty of Peace and Amity.

Minister Pacheco, admitting that it was largely a matter of personal ambition, stated that he was formulating plans to proceed to Guatemala within the next week or two to take up with General Ubico the question of calling a conference of the co-signers of the Treaty for the purpose of forthwith denouncing the Treaty and recognizing the Martínez régime. His reason for wishing to proceed first to Guatemala appears to be because of President Ubico's reported attitude on this subject. He felt that the Guatemalan President will be the most difficult of any of the Chief Executives in Central America to induce to either call such a conference or to take part in it. His plan would be to keep the present Treaty in force, if possible, after eliminating Articles II and V, and amending Article IV to read in substance that *emigrados* from neighboring countries, in case of strained relations, should be compelled to retire 50 miles from the frontier.

Dr. Pacheco did not, in this case, ask my opinion or what I thought the State Department's attitude might be. It was a mere narration of his opinion.

CHARLES C. EBERHARDT

[Enclosure 2]

Memorandum by the Minister in Costa Rica (Eberhardt)

SAN JOSÉ, November 15, 1932.

Today I called at the Presidential residence to inquire about the health of the wife of the President who had just returned by airplane from Panama where she had gone some two weeks ago for special treatment.

As I was leaving, President Jiménez brought up the subject of the 1923 Treaty of Peace and Amity and the favorable reception which had been accorded the article which was published in *La Tribuna* on November 9th. He went on to say that, where at the beginning of his administration he refused to give even a thought to the possible denunciation of the Treaty, the continued pressure which had been brought to bear on him by prominent individuals in all the other countries who were co-signers of the Treaty had led him to believe

that, working jointly, some such denunciation of the Treaty as well as the immediate recognition of the Martínez régime in El Salvador might legally be effected. He further stated that Minister Pacheco is endeavoring to secure his (the President's) permission to make a trip to Guatemala within the next few days where he would inaugurate plans for calling a conference of these countries toward this end. He added that, while he was not at all unfavorably inclined toward this plan, he had not yet made up his mind whether or not to fall in with the plan, but that it was both possible and likely that he would. He concluded his statement with the remark that in case he decided to take any such action, I would be immediately advised.

CHARLES C. EBERHARDT

713.1311/109 : Telegram

The Secretary of State to the Minister in Costa Rica (Eberhardt)

WASHINGTON, November 16, 1932—6 p. m.

38. Your 70, November 15, 2 p. m. Please continue to keep Department fully informed and in case Foreign Minister Pacheco proceeds to Guatemala keep the Legation there, as well as the other Legations in Central America, appropriately informed.

STIMSON

713.1311/111 : Telegram

The Minister in Guatemala (Whitehouse) to the Secretary of State

GUATEMALA, November 17, 1932—2 p. m.

[Received 5:22 p. m.]

78. Have just received text of the telegram of November 15, 2 p. m., to the Department from the Legation at San José. I sent by air mail yesterday [*November 14?*] a despatch^s relative to the willingness of the Guatemalan Government to convoke, if the Department approves, a conference on the 1923 treaties, but its purpose would be the opposite of the Costa Rican proposal. In view of the above I would appreciate receiving telegraphic instructions after the receipt of my despatch as to the attitude I am to adopt.

WHITEHOUSE

^s See despatch No. 826, November 14, p. 330.

718.1311/113 : Telegram

The Minister in Guatemala (Whitehouse) to the Secretary of State

GUATEMALA, November 18, 1932—11 a. m.

[Received 2:20 p. m.]

79. Referring to my telegram number 78, November 17, 2 p. m. Minister of Foreign Affairs has just shown me a telegram he received last evening from Costa Rican Minister for Foreign Affairs stating that he was leaving on the next Panama mail steamer and would reach Guatemala November 25th to talk with President Ubico.

I told Skinner Klee that according to my information the purpose of the visit was to arrange for the denunciation of the 1923 treaties and the recognition of General Martínez.

He was disgusted at this and pointed out that never were the treaties more necessary in Central America than at the present moment. He cannot understand why President Jiménez whose own government is so weak should have raised the question.

WHITEHOUSE

813.00 Washington/387 : Telegram

The Minister in Guatemala (Whitehouse) to the Secretary of State

GUATEMALA, November 19, 1932—1 p. m.

[Received 5:20 p. m.]

82. The following telegram has been sent to the Legation in Costa Rica:

November 19, 1 p. m. Your November 19, 10 a. m.⁹ Guatemalan Government was surprised that Pacheco should announce his visit without previous inquiry as to whether it would be agreeable. In view of the fact that the Guatemalan Government and various important Guatemalans have come out in the press in favor of the treaties of 1923, they do not see what he expects to accomplish as they obviously do not agree with his idea of denouncing the treaties. Further, if Pacheco's visit is made with a view to securing the recognition of General Martínez, the Guatemalan Government points out that the treaty of peace and amity remains binding until January 1934 and that General Martínez could not be recognized in any event until after that. . . .

Question of Pacheco's rank has no importance.

Repeated to Department and Central American missions.

WHITEHOUSE

⁹ Not printed; it reported that Pacheco intended to leave early the following week for Guatemala. Pacheco sailed November 23. (713.1311/112;114;119)

713.1311/121b : Telegram

The Secretary of State to the Minister in Guatemala (Whitehouse)

WASHINGTON, November 22, 1932—7 p. m.

44. With regard to the announced intention of President Jiménez of Costa Rica to denounce the 1923 Central American treaties, particularly the General Treaty of Peace and Amity, and to the suggestion made to you in confidence that, if the idea met with the Department's approval, the Guatemalan Government would be glad to convoke a conference of the Central American Republics to discuss the treaties, the following is transmitted to you for your information and guidance:

The General Treaty of Peace and Amity of 1923, drawn up by the representatives of the Central American States and adopted by their Governments, expresses their aspiration to achieve political stability and discourage revolutionary movements in their countries, and provides various measures designed to assist in accomplishing these ends. The United States is of course not a party to the Treaty but in its desire to assist the Central American countries in realizing their objectives it has, at the request of those countries, supported the Treaty and adopted the principles thereof as its policy in dealing with new Governments in Central America. This Government has considered that the advantages derived by Central America from the Treaty have warranted it in thus making an exception to its traditional practice of recognition of new Governments. In the event of the abrogation of the 1923 Treaty the United States Government would of course resume its freedom of action and would henceforth judge each case upon its merits as it arose.

This Government has of course no desire to impose its views upon any of the Central American countries. It entertains only the friendliest of feelings for them and desires at all times their well-being and progress. It believes that, out of regard for this traditional friendship, it should not fail to point out that there can be no doubt in the minds of any impartial observer that the treaties of 1907¹⁰ and 1923 have been beneficial to the people of Central America. In the years prior to the adoption of these treaties revolution within and warfare from without were almost the yearly portion of the countries of Central America. The great danger always was that revolution in one country would lead to armed intervention in support of one side or the other on the part of the neighboring countries, and that, as so frequently occurred, general warfare would ensue. As a result of the 1907 and 1923 treaties revolutions have decreased and not a single

¹⁰ General treaty of peace and amity, *Foreign Relations*, 1907, pt. 2, p. 692.

case of a general Central American war has occurred since 1907. The positive gain for Central America in the way of progress toward stability and orderly government has thus been indisputable. The present moment, moreover, when unrest and anxiety are widespread throughout the countries of the world, would make it seem especially incumbent upon the Central American Governments to proceed with caution and wisdom in a matter so profoundly affecting the permanent interests of their countries. This Government, therefore, sincerely hopes that before taking such a momentous decision as that of denouncing the Treaty of 1923 the Central American Governments will weigh most carefully the benefits derived by their countries from the period of comparative peace and stability resulting from the 1907 and 1923 treaties, with the risks and uncertainties of the situation which would come into being upon the abrogation of the latter treaty.

The decision to be taken in this matter is of course entirely one for the Central American Governments themselves to determine, whether it be to modify the treaty, to denounce it, or to continue it in effect. The responsibility as to the course to be pursued rests squarely upon the Governments of the Central American States. The United States Government, as the sincere friend of the Central American countries, earnestly trusts that in considering the matter the Governments will keep clearly before them the enduring interests of their peoples which are inevitably bound up with the maintenance of peace and stability.

With particular reference to the suggestion of the Guatemalan Government that it would be glad to convoke a conference of the Central American Republics to discuss the treaties, the Department while sincerely appreciating the courtesy of the Guatemalan Government in asking its views, feels that this is a matter which must necessarily be determined by the Guatemalan Government itself.

Please repeat this telegram to the Legations in Central America for their information and guidance, in case these questions should be discussed with them by officials of the Governments to which they are accredited. Caution them to regard the Guatemalan inquiry as strictly confidential.

STIMSON

713.1311/118 : Telegram

The Minister in Nicaragua (Hanna) to the Secretary of State

MANAGUA, November 23, 1932—11 a. m.

[Received 7:14 p. m.]

218. My 215, November 18, 2 p. m.¹¹ In an informal conversation with Dr. Sacasa yesterday he gave me to understand that he is definitely opposed to denouncing the 1923 treaties and I have telegraphed Minister Whitehouse accordingly in reply to his telegram requesting Sacasa's opinion.

HANNA

713.1311/127

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] November 23, 1932.

The Minister of Guatemala¹² called and said that he had seen in the press that the Minister of Foreign Affairs of Costa Rica left Salvador yesterday for Guatemala in connection with the project for the abrogation of the Treaties of 1923. He asked me my views regarding this matter.

I told him that this was a matter for the Central American Governments to decide but pointed out to him the benefits of the Treaty of 1923 and emphasized that since 1907, when the Treaties were signed out of which grew the 1923 Treaty, there had been no international conflict in Central America. I recalled the chaotic conditions in Central America prior to that date, as contrasted with the tranquility since, and pointed out even the diminution in revolutions. I spoke of the economic conditions throughout the world at present which have resulted in political upheavals in so many countries, and stressed the value and benefits of peace, order, and stability. I said that this Government was not a party to the 1923 Treaty but had desired to do anything it could to help the Central American Governments in carrying out what they themselves thought would be conducive to peace, order, and stability in their countries. I said that I was glad to tell the Minister exactly the way we look at the situation but that the Central American Governments would have to judge the matter for themselves; the responsibility is theirs. I said that there is a very grave responsibility resting on them and that I trusted they would not enter into a decision light-heartedly but would consider very carefully what the consequences are apt to be and if they take the road of

¹¹ Not printed.¹² Adrian Racinos.

abolishing the Treaties to inquire very carefully where it may lead them. I thought that they would want to consider very carefully what the results would be before they abolished or even modified the Treaties. I said that of course the Treaties are perhaps not perfect but that any change that might be made should be distinctly for the better, and that I thought they would want to carefully consider any proposed change to know whether it would better conditions or not before embarking on such a course.

The Minister said that he felt sure that that would be our position and that there would be no change from the position outlined by the Secretary in a recent statement but he wanted to confirm it before reporting the matter to his Government.

F[RANCIS] W[HITE]

713.1311/122 : Telegram

The Minister in Nicaragua (Hanna) to the Secretary of State

MANAGUA, November 29, 1932—noon.

[Received 6:44 p. m.]

225. My 218, November 23, 11 a. m. The Minister for Foreign Affairs told me this morning that the Guatemalan Minister in this capital recently outlined informally to President Moncada and Doctor Sacasa the opposition of the Government of Guatemala to Costa Rica's proposal to dispose of the 1923 treaties and inquired as to their attitude in the matter. The Minister for Foreign Affairs added that President Moncada and Doctor Sacasa expressed their complete accord with the views of the Government of Guatemala. Repeat[ed] to Guatemala.

HANNA

713.1311/132

The Minister in Guatemala (Whitehouse) to the Secretary of State

No. 834

GUATEMALA, November 30, 1932.

[Received December 9.]

SIR: I have the honor to report that Mr. Leonidas Pacheco, the Minister of Foreign Affairs of Costa Rica, arrived in Guatemala City on November 26th, and is to-day being received in official audience by the President of the Republic.

Mr. Pacheco came to call on me on Monday afternoon, and after the customary exchange of compliments, made the usual protestations about Costa Rican and his own personal friendship for the United States; said that he did not wish to do anything which would displease the United States and would keep me informed of his conversations with officials here. He then said that he had not come to

denounce the Treaties of 1923; that his President had sent him up here on a mission of friendship to President Ubico and to discuss the possibility of changing Article 2 of the Treaty of Peace and Friendship. He said he did not think that the doctrine of non-recognition had been of use. At this I expressed my surprise and suggested that Castro-Quesada's revolt in Costa Rica might not have been so easily suppressed if Mr. Castro-Quesada had not clearly been banned from the Presidency by this Treaty. I then mentioned the Orellana coup here¹³ and said that while General Martínez seemed to have defied the Treaty there were other elements which figured in his particular case.

Mr. Pacheco did not seem to care about this turn of the conversation and went on to expose his ideas which seemed to be of the vaguest and were that for the doctrine of non-recognition could be substituted some plan of a more concrete form of help to existing constitutional governments, and he suggested as an example "the concentration of the various hundreds of *émigrés* on the Honduran border who are giving so much concern to the present Guatemalan Government". I did not understand this last sentence and inquired if he was talking about Honduraneans who had been compelled to cross the border into Guatemala on account of present revolutionary events in Honduras. To this he returned a decided negative and said he was speaking about the political *émigrés* from Guatemala. I answered that I did not know that there was one on the Honduran border; that I did not believe the total number of persons who could claim such a description amounted to twenty; that there were a half dozen that we all knew about, such as Mr. Aguirre-Velásques, who was now living in Costa Rica, but so far as I was aware, none of them had been expelled from the country, and I knew, for example, that the ex-President, Baudilio Palma, had been given assurances that he could return to Guatemala whenever he wished to and would not be molested. This statement likewise did not seem to please Mr. Pacheco who remarked that he must have been misinformed in which I concurred.

I then asked him if he was going to stay sometime here as the Guatemalan Minister of Foreign Affairs had mentioned to me that Mr. Pacheco was talking of sending for his wife and spending a month here. Mr. Pacheco told me that all depended upon the reception accorded to his ideas; that if they were favorably received he would be here sometime to come to an agreement, and if not, he would return almost at once to Costa Rica.

Respectfully yours,

SHELDON WHITEHOUSE

¹³ See *Foreign Relations*, 1930, vol. III, pp. 172 ff.

713.1311/130 : Telegram

The Minister in Guatemala (Whitehouse) to the Secretary of State

GUATEMALA, December 5, 1932—2 p. m.

[Received 8:02 p. m.]

83. The Minister for Foreign Affairs informs me that Pacheco was very frank in his conversation with him and will support Ubico. Pacheco admitted that he was acting in favor of General Martínez, and while he realized his mission to bring about the denunciation of the treaties was doomed to failure, he asked if the Guatemalan Government would not agree to the suppression of articles 2 and 5 of the treaty of peace and amity, which would make possible the recognition and reelection of Martínez.

The Minister for Foreign Affairs said the President and he answered that those were the two important articles and the treaty might as well be denounced as agree to their removal. The President then instructed Skinner Klee to go over the treaties with Pacheco and see if they agreed on any other modifications. Skinner Klee intimated to me that this was done to gain time, as Pacheco on leaving here was proceeding to Salvador and would report to Martínez that the Guatemalan Government was the source of all his troubles.

The Minister for Foreign Affairs aside from being very provoked with Pacheco for putting the Guatemalan Government in this position, seems rather nervous lest Guatemala be isolated and of the possible difficulties that General Martínez may cause her.

Repeated to all Central American Legations.

WHITEHOUSE

713.1311/134

The Minister in Guatemala (Whitehouse) to the Secretary of State

No. 839

GUATEMALA, December 5, 1932.

[Received December 12.]

SIR: In amplification of my telegram No. 83 of December 5, 2 p. m., I have the honor to report that although the Minister of Foreign Affairs has been advised that both the President of Honduras and the President-elect, General Carias, are in entire agreement with his views relative to the Treaties of 1923, he seems to be worried lest the aid being given to the Honduran Government forces by General Martínez may have some ulterior effect disagreeable for Guatemala and tending to align Honduras with Salvador. In this connection, he seems to think that General Martínez is violating the Treaty in the aid he is extending and claims that in addition to arms he has fur-

nished some personnel, but he was vague as to this and I did not press the matter.

Immediately after intimating that the instructions of President Ubico for him to examine the Treaties with Mr. Pacheco were for the purpose of gaining time, he informed me that President Ubico wanted to speak to me about obtaining military supplies for the Nicaraguan Government as he felt they would be sorely needed after the departure of our Marines. He said that Guatemala would be glad to be of assistance to Mr. Sacasa and as there was no revolution in Nicaragua, this would not be in contravention of the 1923 Treaty. . . .

As I have reported in another despatch, the Guatemalan Government have named their present Chargé d'Affaires in Mexico City to fill the vacant post of Ambassador there and when I made inquiry as to the reasons for this, Mr. Skinner Klee said that as they had settled all their pending questions satisfactorily with Mexico and the Mexican Government rather resented the absence of an Ambassador, in view of the attitude of General Martínez in Salvador and of the Costa Rican Government, he felt that Guatemala needed all the friends she could get and this was the reason for the appointment.

I do not understand the reason for his perturbation about possible activities of General Martínez against Guatemalan interests, as it would appear to me that General Martínez has enough troubles of his own without trying to foment them in Guatemala. I said as much to the Minister of Foreign Affairs but he did not seem to be convinced.

He is willing and even anxious, I feel, to conciliate General Martínez and he indicated that he had suggested to Mr. Pacheco that it might be possible to make use of the Treaty concerning Commissions of Inquiry¹⁴ to examine the whole case of General Martínez and if as a result it was found that he had no part in the revolution against President Araujo and was actually a prisoner in the barracks of the revolting troops, perhaps a way could be found to bring about his recognition.

I pointed out that I saw several objections to such a scheme: one of the foremost being that Salvador had never ratified this Convention and, secondly, that it would appear ridiculous after a year had elapsed and all the Governments had declared against the recognition of General Martínez to set up a commission now. In this he rather regretfully concurred.

He seemed very pleased by some editorials in the American press on Costa Rica's attitude against the Treaties and reiterated his own

¹⁴ Convention for the Establishment of International Commissions of Inquiry. *Conference on Central American Affairs*, p. 392.

annoyance at Mr. Pacheco's having undertaken this trip to Guatemala without previous consultation with him, whose only result would be to create hard feeling in Salvador against the Guatemalan Government. Incidentally, he told me that Mr. Pacheco had not said a word about the purpose of his visit until after his official reception by President Ubico when he requested a private audience with the latter. President Ubico in acceding to his request informed him, however, that his Minister of Foreign Affairs would have to be present at the interview. I do not know whether Mr. Pacheco in requesting a private interview with the President thought that the latter might be more favorable to his views than was his Minister of Foreign Affairs.

It is a great pity that some means cannot be found to make General Martínez see reason as it looks as if his continuance in power was going to be a source of continual trouble in Central America.

Respectfully yours,

SHELDON WHITEHOUSE

816.01/274 : Telegram

The Minister in Guatemala (Whitehouse) to the Secretary of State

GUATEMALA, December 8, 1932—11 a. m.
[Received 1:40 p. m.]

84. Minister of Foreign Affairs tells me that he had a meeting yesterday with Pacheco and the Honduran and Nicaraguan representatives, at which Pacheco asked them to sign an agreement to recognize Martínez, intimating that such a move would not be regarded unfavorably by the United States.

The others refused, and Skinner Klee again brought forward his suggestion of a Committee of Inquiry. There was also some talk about article 5.

I pointed out to the Minister for Foreign Affairs the objections to his own proposal and that an attempt to recognize Martínez now would make them appear foolish. I added that under no circumstances would my Government recognize Martínez, which I understand to be the case.

Repeated to all Central American missions.

WHITEHOUSE

816.01/274 : Telegram

The Secretary of State to the Minister in Guatemala (Whitehouse)

WASHINGTON, December 10, 1932—2 p. m.

45. Your 84, December 8 11 a. m.

1. Please inform Department more fully of Skinner Klee's suggestion for the Committee of Inquiry mentioned.

2. Regarding recognition of Martínez there has of course been no change in the Department's position.

STIMSON

816.01/275 : Telegram

The Minister in Guatemala (Whitehouse) to the Secretary of State

GUATEMALA, December 12, 1932—noon.

[Received 2:45 p. m.]

86. Your 45, December 10, 2 p. m. Suggestion of a commission of inquiry has been given up. Pacheco, to save his face, now proposes the signature of a protocol to say that the question of the treaties will be taken up in April. Minister of Foreign Affairs informs me that Guatemala will not sign any such protocol and that the most he will agree to will be some notice in the press to the effect that discussions of the treaties is inopportune now and must be postponed until April.

Repeated to San José.

WHITEHOUSE

713.1311/141

The Minister in Guatemala (Whitehouse) to the Secretary of State

No. 850

GUATEMALA, December 16, 1932.

[Received December 22.]

SIR: With reference to my telegram No. 86 of December 12, 12 Noon, I have the honor to report that Mr. Pacheco left Guatemala yesterday to return to Costa Rica. Before leaving he made the following statement to the press:

(Translation) "The Government of my country has not had the preconceived purpose of declaring the Pacts of Washington lapsed; but the opinion of President Jiménez and myself is that those treaties contain elements that are good, elements that are mediocre, and elements that are bad. Having that belief, my Government decided to entrust me with a special mission to this country with the object first of working for the strengthening of the fraternal feelings between Costa Rica and Guatemala, a task in which I feel that I have gained

everything desired, and, second, of proposing that the treaties be revised at an international Central-American Conference in order to preserve their good features, amend the mediocre ones, and suppress the bad ones. I hoped that such a conference could be held immediately; but I have had to yield to the strong arguments which were expounded to me and agree to the convocation for the month of April of the coming year, at which time the period of transition will have passed and all of the Central-American Governments will be organized with the newly elected presidents and provided definitely with their foreign offices and representatives."

The above statement is in accordance with what the Minister of Foreign Affairs told me and is an effort to prevent everyone from realizing what a complete failure Mr. Pacheco's trip was.

Respectfully yours,

SHELDON WHITEHOUSE

713.1311/144 : Telegram

The Chargé in El Salvador (McCafferty) to the Secretary of State

SAN SALVADOR, December 27, 1932—2 p. m.

[Received 5:25 p. m.]

109. Today the *Diario Oficial* published the Executive Decree of yesterday by which the *de facto* regime of Salvador denounces the Central American General Treaty of Peace and Amity of 1923 effective January 1, 1934, in conformity with article 18 of that pact.

McCAFFERTY

713.1311/149

The Minister in Costa Rica (Eberhardt) to the Secretary of State

No. 1242

SAN JOSÉ, December 27, 1932.

[Received January 3, 1933.]

SIR:—In confirmation of my telegram No. 78 dated December 24, 12 Noon (1932),¹⁵ I have the honor to forward herewith Executive Decree No. 10 dated December 23, 1932 of the President of the Republic, in the form of a clipping from *La Gaceta-Diario Oficial* no. 291 of December 25, 1932, as well as the copy and translation of Note No. 555-B which was addressed to me by the Minister for Foreign Affairs of Costa Rica on December 24th last. These enclosures contain the text of the Executive notification of renunciation by Costa Rica of the General Treaty of Peace and Amity, signed at Washing-

¹⁵ Not printed.

ton on February 7, 1923, as well as the text of the relevant notification of Costa Rica's action to the other signatories.

Dr. Leonidas Pacheco, the Minister for Foreign Affairs, has just called at the Legation to inquire what the policy of the United States Government will be in respect of these treaties, subsequent to the inauguration of Mr. Roosevelt. I professed the utmost ignorance.

He then spoke about the ambiguous position in which his country is now placed through the arrival in San José during the last few days of a Salvadorian Consul; he said that the Consul had come to him this morning and requested an exequatur, and that refusal had been necessary due to the non-existence of diplomatic relations between El Salvador and Costa Rica. He added that he told the new Consul to enter into his functions without official recognition.

Dr. Pacheco then said that, much to his regret, his Government would not be able to recognize the Martínez régime in El Salvador until the first of January 1934, on account of the restrictions of the Treaty.

The Foreign Minister professed regret at the failure of his recent mission to Guatemala (*vide* despatch No. 1204 of November 21, 1932 *et seq.*).¹⁶ He said, with some attempt at sardonic wit, that every country has its "White House" but that in Guatemala City there were two; that the influence there of Mr. Sheldon Whitehouse is unlimited.

Beyond the mere announcement of the denunciation of the Treaty, there has been no press statement in the matter, nor have local observers commented on President Jiménez' decision of December 23d.

Respectfully yours,

For the Minister:
McCENY WERLICH

[Enclosure-Translation]

The Costa Rican Minister for Foreign Affairs (Pacheco) to the American Minister (Eberhardt)

No. 555-B

SAN JOSÉ, December 24, 1932.

MR. MINISTER:—The Government so worthily represented by Your Excellency was invited by the Central American Republics to attend the discussions which resulted in the signing of the so-called Washington Treaties.

In view of the decision of the President of the Republic to denounce the General Treaty of Peace and Amity signed on February 7, 1923, I have deemed it an obligation of courtesy, which I discharge with pleasure, to notify Your Excellency of that decision, and I consequently have the honor to transcribe for Your Excellency the re-

¹⁶ Despatch not printed.

spective Decree and the note which this Ministry is addressing to the Central American Republics, reading as follows:

"No. 10. Since by virtue of Law No. 21 of November 24, 1924, Costa Rica approved the General Treaty of Peace and Amity signed by the Central American Republics in the city of Washington on February 7, 1923, and—Considering—That some of the provisions of said Treaty have not had in practice the results which were expected of them,—Therefore, in conformity with the procedure outlined in Article XVIII of said Treaty,—The President of the Republic—Decrees:—Denounce the Treaty in question and communicate the fact to the other Republics of Central America.—Given in the Presidential House, in San José, on the 23d day of December, 1932. (Signed) Ricardo Jiménez.—The Secretary of State in the Portfolio of Foreign Affairs, (signed) Leonidas Pacheco."

"No. 64-A.-000-83—San José, December 23, 1932.—Mr. Minister:—I have the honor to inform Your Excellency that the President of the Republic by Decree dated today has denounced the General Treaty of Peace and Amity, concluded in Washington on February 7, 1923, by the Central American Republics, having had recourse to Article XVIII of said Treaty to accomplish said denunciation, and that the Republic of Costa Rica is consequently freed of the obligations contained therein, starting from the first of January 1934, the date on which the ten-year period of life established in the Treaty will expire.—The Government of Costa Rica desires it to be clearly and definitely understood that in proceeding to denounce the Treaty, it does not want to be considered as having been motivated by the purpose of removing itself from the interests which are common to Central America, neither does it object to the majority of the provisions which the Pact contains; but it believes that notwithstanding the good intentions and the fraternal spirit which animated the Central American Republics at the time they signed the Treaty, the results obtained to date do not justify the preservation of some of its clauses establishing obligations which affect the sovereignty and independence of the signatory Republics, and which do not deserve to be perpetuated considering the actual state of affairs and the events which have occurred during the period the treaty has been in effect. The President likewise desires to make known his very genuine wish, even more, his fervent desire to enter into new negotiations with the sister Republics tending to the revision of this pact, whereby from that labor may result not only the adequate re-establishment of the present (one), but also the signing of others, which, while scrupulously respecting the absolute sovereignty of each of the Central American Republics, may create new clauses designed to reinforce the spirit of cordiality and to invigorate the bonds of common purpose which have united and each day will unite the Central Americans more and more in the pursuit of their greater progress and well-being.— On the basis, therefore, of absolute respect, and with the sovereignty of the five Central American Republics untrammelled, the President expresses his earnest desire that at the earliest possible opportunity the interested Parties reconsider the denounced Pact in

order to study with the highest cordiality the new forms to which our relations should conform, with due consideration of all the peculiarities, advantages and guarantees required by the feeling of sincere brotherhood which ought to prevail in Central America.—I seize the opportunity to renew to Your Excellency the assurances of my high and distinguished consideration. (s) Leonidas Pacheco.—His Excellency the Minister for Foreign Affairs of the Republic of—Guatemala—Honduras—Nicaragua.”

I avail myself of the occasion afforded to reiterate to Your Excellency the assurances of my high consideration.

LEONIDAS PACHECO

713.1311/147 : Telegram

The Minister in Nicaragua (Hanna) to the Secretary of State

MANAGUA, December 29, 1932—noon.

[Received 3:40 p. m.]

248. The Government of Salvador has communicated to the Government of Nicaragua an Executive decree dated December 26 denouncing the General Treaty of Peace and Amity of 1923. Other than possibly acknowledging the receipt of the communication through the Nicaraguan Consul at San Salvador the Nicaraguan Government intends to take no action in the matter. Repeated to Legations in Central America and Panama.

HANNA

713.1311/148 : Telegram

The Minister in Guatemala (Whitehouse) to the Secretary of State

GUATEMALA, December 29, 1932—3 p. m.

[Received 8:50 p. m.]

88. Guatemalan Government received this morning official notification from the Salvadoran Government of their denunciation of the treaty of peace and amity of 1923. No official notice has yet been received of the denunciation by the Costa Rican Government.

The Minister for Foreign Affairs informed me present action of Costa Rica and Salvador would have no effect upon Guatemalan policy which would continue to be strongly in favor of the treaties. This denunciation of the treaties however confirmed his opinion that Costa Rica had been acting merely on behalf of General Martínez, and he was sure that Martínez would take steps as soon as it was possible to change the constitution of Salvador to allow his own election. Skinner Klee also thought that Salvador and Costa Rica

would now use all possible influence to induce General Carías to denounce the treaty in order to have the necessary three countries, but he did not believe they would be successful, as the treaty was too useful for Carías.

Repeated to all Central American missions.

WHITEHOUSE

713.1311/151

Memorandum by the Secretary of State (Stimson)

[WASHINGTON,] January 5, 1933.

During the call of the Guatemalan Minister I asked him about the situation of Guatemala, expressing to him my gratification at the Guatemalan support of the Treaty of 1923. The Minister told me that although the Treaty had been renounced by Costa Rica and Salvador, the other three countries acted to support it, and I said we would support it so long as these Republics did. He then stated that Costa Rica really stood as a nation apart from the others and her action did not make so much difference.

H[ENRY] L. S[TIMSON]

BOUNDARY DISPUTES

ECUADOR AND PERU

722.2315/696

The Minister in Ecuador (Dawson) to the Secretary of State

No. 712

QUITO, October 13, 1932.

[Received October 27.]

SIR: I have the honor to report that on October 10 it was rumored at Quito that a serious incident had occurred on the Ecuadoran-Peruvian border; that Peruvian troops or police had temporarily occupied the Ecuadoran town of Chacras; and that the Ecuadoran Government had ordered troops from Guayaquil to Machala. It was known that Congress was to consider the matter in a secret session that afternoon. Throughout the day considerable excitement prevailed at Quito and, according to newspaper reports, at Guayaquil as well. I called in the afternoon at the Foreign Office where the Undersecretary informed me that the incident appeared to be of no importance. After the secret session of Congress, the Minister for Foreign Affairs furnished the press a statement, the publication of which on October 11 immediately allayed any anxiety which had been felt.

According to information furnished me by the Minister, the origin and course of the incident were as follows:

Changes in the bed of the Zarumilla River have led to the formation of an island which is claimed by both Ecuador and Peru. The fertile soil of this island is used by nationals of both countries, particularly for growing tobacco, and this results in occasional disputes and incidents with customs guards and officials of the Ecuadoran tobacco monopoly. On the afternoon of October 9, an incident arose involving farmers of both nationalities, between whom eight shots were exchanged without casualties on either side. The shooting brought to the scene, however, some fifty Peruvian guards and a somewhat smaller number of Ecuadoran guards and rural police. These forces took up positions facing each other and further hostilities might well have ensued. Fortunately, those in command on both sides kept their heads and, having ascertained the facts, prevented any clash.

It appears that an employee of the Ecuadoran telegraph service, who had been bathing in the river and seen the arrival at the border of Peruvian guards, had in the meantime sent to the Quito Government an exaggerated and distorted report. On the receipt of this alarming telegram, the Government directed the Governor of El Oro Province to make a personal investigation. The Minister for Foreign Affairs conferred with the Peruvian Minister in Quito who promptly cabled his Government. The reports subsequently received from the Governor of El Oro and through the Peruvian Minister coincided in reducing the incident to its true proportions and denying it any importance.

The Minister for Foreign Affairs informs me that from the outset he was confident that Peru would not provoke an incident with Ecuador precisely at the time when the Leticia question is pending with Colombia.¹ He states further that President Sanchez Cerro sent for the Ecuadoran Minister in Lima and assured him that, even had the incident been more serious, Peru would have sought to settle it satisfactorily. Dr. Cárdenas informs me also that, while the Imbabura Battalion (about three hundred men) has been sent from Guayaquil to Machala, this transfer had been ordered before October 9 for internal political reasons. He states that he endeavored to have the departure of the troops postponed in order to avoid the impression of any connection with the recent border incident but that for technical reasons it could not be delayed after October 12. This has, Dr. Cárdenas states, been explained to the Peruvian Minister in Quito.

In conclusion, the Minister informs me that such border incidents are a frequent occurrence and that during the past twenty years half a dozen or more of a similar nature have arisen.

Respectfully yours,

WILLIAM DAWSON

722.2315/698

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2242

LIMA, October 17, 1932.

[Received October 27.]

SIR: I have the honor to refer to the Embassy's telegrams No. 208 of October 10, 8 p. m. and No. 210 of October 11, 4 p. m.,² and to report further on the frontier disorders which occurred on October

¹ See pp. 270 ff.

² Neither printed.

9th on the Zarumilla River, the boundary between the Peruvian department of Tumbes and the Ecuadorian province of El Oro.

The island called Pocitos on the Zarumilla River lies between an old river channel and the present channel, and is about eight miles long and eight miles wide on its longest dimensions. This island is claimed by both Peru and Ecuador, the Peruvians claiming that the old river channel is the dividing line while the Ecuadorians assert that the present river channel is the line.

This is a tobacco region and people from the Ecuadorian towns of Huaquillos and Chacras and from the Peruvian town of Zarumilla grow tobacco on Pocitos island. The Peruvian occupation has probably been more effective. The Ecuadorians ship their tobacco to Guayaquil and the Peruvians to Lima. In both cases the tobacco business furnishes a heavy item to the tax collectors.

During the past few months there has been talk of the passive Ecuadorian objection to Peruvian possession of Pocitos developing into concrete action. An Ecuadorian official commission visited the zone on July 21, 1932, with a view to preventing the events which occurred in October. The expedition was under Lieutenant Colonel Miguel Saona and is said to have arrested a group of Peruvians and taken them prisoners to Machala, Ecuador.

Both Ecuador and Peru maintain police and customs guards on this frontier. The present trouble seemed to have been precipitated on October 8th when an Ecuadorian telegraph operator named Manuel Muñoz, who was bathing in the river, was arrested by Peruvians. He was later released. It seems that a group of Ecuadorian police, customs guards, and civilians then went over into Pocitos and destroyed some of the Peruvian tobacco plants and tore down their fences. They were driven out by the Peruvian Civil Guard and retired to Chacras, where they were reorganized and an Ecuadorian force of about forty police and twenty customs guards returned and pushed the Peruvians back across the Zarumilla. One Peruvian farmer was killed. There are no reports available in Lima as to the number of wounded, if any. A number of shots were exchanged and for a time the situation was indeed serious. The Peruvians were led by the Prefect of Tumbes, who arrived during or after the skirmish, while Ecuador sent forty police and fifty armed volunteers from Machala under Acting Governor Jorge Barrezueta. It seems that the hostilities ceased through parleys between the Prefect and the Acting Governor. Peru has a censorship on news but it is believed that the Peruvians remained in possession of Pocitos, and it is certain that the frontier guards have been reinforced until Peru has at least three hundred men in the vicinity of Zarumilla.

The Lima press has minimized the incident which it states was an unimportant clash between frontier customs guards. It is understood that the matter must be arranged by the Foreign Offices of the two countries and has been so announced by both Peru and Ecuador.

Commander Guzman Marquina, the chief confidant and reliance of Sanchez Cerro, was sent by plane to the Ecuadorian frontier on October 14th and is reported to have straightened out the confusion and placed the situation on a plane whereby peace would be assured pending a settlement by diplomatic means.

It is natural that the Peruvian and Ecuadorian accounts of the genesis of this incident should differ. I have talked to Dr. Solon Polo at the Foreign Office and to the Ecuadorian Minister, Señor Aguirre Aparicio. Oddly enough, there was a similar incident at Zarumilla and Pocitos in 1907, at which time Dr. Polo was the Minister of Foreign Affairs of Peru and Señor Aguirre was Ecuadorian Minister in Lima. A number of notes were exchanged after that incident and Peru seems to have had somewhat the better of these exchanges as they published them in a book, and also retained all or most of Pocitos island. At any rate, Polo and Aguirre have been experts on Pocitos for twenty-five years.

Doctor Polo stated that just prior to the 1907 incident, President Pardo of Peru, in order definitely to proclaim Peruvian ownership of the island, made a trip there and while physically standing on the disputed ground, sent a telegram to the President of Ecuador, with his greeting from Pocitos. The President of Ecuador accepted the situation and replied cordially.

Doctor Polo gave me a reference in the *Boletín* of the Ministry of Foreign Affairs Año 5 No. XXII, beginning on page 2523 with a full discussion of the Zarumilla boundary arrangement. There was a map in the *Boletín* showing how the Zarumilla river had divided into two channels, an old one and a new one. The old channel or that to the north is, according to Doctor Polo, the real boundary and has been so accepted by Ecuador. Thus, the territory between the two channels, or Pocitos island, is Peruvian territory. The note from Doctor Polo to Señor Aguirre, dated October 28, 1907, enumerates many reasons why Pocitos should be considered as Peruvian and closes by saying (translated);

“Apart from the fact that the old channel is not completely closed up because in times of heavy rains there is a considerable quantity of water, the principles which rule international accession and which I do not repeat in order not to offend the well known erudition of Your Excellency, give to Peru unquestionable sovereignty over the lands comprised between the two channels of the river”.

Doctor Polo now tells me that Peru has had the most friendly response from the Ecuadorian Government and its officials in the present incident, and that even the Ecuadorian Government officials along the border itself have been quick to cooperate in the suppression of trouble and to say that they have no ulterior intentions or motives. Doctor Polo thought the incident would not be magnified and gave me to understand that Peru certainly did not wish any difficulties or unfortunate developments in that quarter. He further stated that he was not yet very accurately informed and that while the news despatches had stated that the incident would be handled by the respective foreign offices, this did not indicate any particular gravity and that he was confident that the matter, which was unimportant, would soon blow over.

I was not able to see the Ecuadorian Minister until yesterday. Señor Aguirre gives an entirely different account from that furnished by Doctor Polo. He manifested that all Peruvian pretensions to Pocitos island are false and absurd; that the Zarumilla is the boundary and that the old channel is dried up and has had no water for two hundred years. As confirming this fact, eight of the oldest inhabitants of the region, four Peruvians and four Ecuadorians, were recently brought to the river and questioned regarding the old boundary. All of them made affidavits to the effect that they had never known the old bed of the river to be considered as the boundary.

Señor Aguirre states that the land in dispute is unquestionably Ecuadorian and that the situation contains serious possibilities; while Ecuador wants to be left alone, it will not stand for nonsense in this matter. Señor Aguirre stated that he has consistently warned the Foreign Office that it was in the wrong, and has promised to keep me informed of future developments.

A feature of this situation which is not being stressed in the Lima press is the likelihood that the Ecuadorians will be encouraged and incited by the numerous Aprista deportees now living in Ecuador. These include some of the most brilliant men of Peru and probably none of them will hesitate at any means to injure Sanchez Cerro.

While the attitude of the Peruvian public is apathetic toward this incident, it seems that there is considerably more interest in Ecuador. Peruvian censorship does not allow publication of any reports of the Ecuadorian reaction.

The interesting angle is, of course, the *rapprochement* between Ecuador and Colombia and the further isolation of Sanchez Cerro. Ecuadorian assistance would be tremendously useful to Colombia in the event of war with Peru, and the Leticia dispute and whatever

comes from it will doubtless give Ecuador the best opportunity it has ever had to recover its former boundaries to the East.

The following is an extract translation from a featured article in *El Telegrafo* of Guayaquil, Ecuador, of October 11, 1932:

Respectfully yours,

For the Ambassador:
WILLIAM C. BURDETT
First Secretary of Embassy

722.2315/700

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2270

LIMA, October 24, 1932.
[Received October 31.]

SIR: I have the honor to refer to the Embassy's despatch No. 2242 of October 17th concerning the frontier troubles between Peru and Ecuador and the effect of this tension on the delicate situation arising from the Leticia incident.

The border has remained quiet and both sides have removed the troops sent to reinforce the frontier police. Ecuador has ordered the Imbabura battalion from Machala back to Guayaquil, and Peru had ordered the detachments of police and infantry, which were hurried to Zarumilla, back to Piura and Sullana.

This border incident between Ecuador and Peru has brought forth much speculation as to the course Ecuador will take if the Leticia incident results in war. The Lima newspapers carry a press despatch to the effect that Ecuador had placed an order abroad for armament about October 9th, and on October 22nd *El Comercio* of Lima stated that Ecuador had decided to borrow one million sucres from the Reserve Bank to purchase ten military airplanes and to construct an up-to-date military airport at Latacunga.

It will be noted that Ecuador took the recent boundary skirmish seriously, as it did not delay in sending to the border the Imbabura battalion which had taken part in the fighting at Quito.

There is a strict censorship on news from abroad which might affect public opinion regarding the difficulties with Colombia. The following items of news came from Ecuador but were suppressed by the Lima censor:

A statement that Peruvians are using native Indians to make a *trocha* or *varadero* between the Napo and the Putumayo, in order to block navigation up or down the latter river;

A despatch from Pará stating that 500 troops of the Peruvian regular Army had been sent to Leticia; and

A despatch from Roca Fuerte on the Aguarico, which is a tributary of the Napo and in territory claimed by both Peru and Ecuador, to the effect that a Peruvian military hydroplane had arrived on an inspection trip at the Peruvian outpost of Cabo Pantoja, and brought news that a launch had sailed from Iquitos up the Napo carrying reinforcements and ammunition for the Peruvian garrisons on the upper Napo and the Curaray.

A bill was introduced in the Peruvian Congress on October 14th appropriating 250,000 soles to build new port works at Tumbes on the Ecuadorian frontier. Tumbes has been forgotten by the Lima Government for many years and has been allowed to fall into a state of decay. However, the sudden interest in the frontier with Ecuador has fixed the attention on Tumbes and the measure as introduced provides that a pier be constructed at once to replace one built in 1908 which later formed sandbanks have left on dry land. No ships have been able to land at Puerto Pizarro, the port of Tumbes, since the sandbanks were formed.

El Comercio of Lima is devoting considerable attention to the attitude of Ecuador in the event of hostilities with Colombia. This newspaper on October 23rd carried an article contributed by one R. H. Elizalde urging the advisability of a most careful consideration by Ecuador of all the points at issue and the utmost necessity, from an Ecuadorian point of view, of preserving the strictest neutrality. The article stated that Ecuador should follow the example of Switzerland and be not carried away by the mad call of war. It should, instead, preserve serenity and in the event of hostilities act as a refuge for the noncombatants of both countries who will seek a safe asylum in Ecuador.

El Comercio on October 23rd reproduced an article from *El Universo* of Guayaquil, dated September 30th, which favored the Peruvian thesis and quoted the opinions of Doctor Antonio Ulloa of Lima and Doctor Luis Felipe Borja which was published in *El Comercio* of Quito. Doctor Borja takes the ground that the Muñoz-Vernaza Suárez Treaty between Ecuador and Colombia³ stipulates and describes a common frontier between Ecuador and Colombia, and this common frontier disappeared when Colombia ceded to Peru, through the Salomón-Lozano Treaty,⁴ the vast territory which formed the frontier according to the Muñoz-Vernaza Suárez Treaty. Following this line of argument, Peru is not obliged to respect the Salomón-Lo-

³ Signed at Bogotá, July 15, 1916, *British and Foreign State Papers*, vol. cx, p. 826.

⁴ Signed March 24, 1922, League of Nations Treaty Series, vol. LXXIV, p. 9; see also *Foreign Relations*, 1927, vol. 1, pp. 331 ff.

zано Treaty nor is Ecuador obliged to respect the Muñoz-Vernaza-Suárez Treaty, and "we find ourselves in the situation which existed prior to the signing of these two pacts, and one which would prevail if neither of the two treaties had been formulated".

Respectfully yours,

For the Ambassador:
WILLIAM C. BURDETT
First Secretary of Embassy

722.2315/701

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2291

LIMA, October 31, 1932.
[Received November 8.]

SIR: I have the honor to refer to my despatch No. 2270 of October 24, 1932, concerning the trouble on the boundary between the Peruvian department of Tumbes and the Ecuadorian province of El Oro, and to report that border conditions remain disturbed.

On October 22nd reports from Tumbes, Peru, and Machala, Ecuador, indicated the dispatch of reinforcements by both countries to strengthen their respective frontier guards. Ecuador sent a detachment of rural police under Captain Bravo, and Peru a detachment of civil guards under Captain Vievra. A conference took place on October 27th between these two officers. The Peruvians manifested a formal claim to the island of Pocitos and stated that Peru will suspend its patrols at Pozo Verde, but that orders from Lima direct a continued occupation of Pocitos. The Ecuadorian officer made a formal objection to this occupation.

This is said to be the first time in many years that Peruvian armed forces have actually occupied Pocitos, although Peruvian farmers have grown tobacco on the island for several years. The military occupation of Pocitos is seemingly ill advised at this particular time and conducive to further irritation of the already inflamed feelings of the people on both sides of the border. About sixty Peruvians armed with rifles and machine guns are now on Pocitos, and an unconfirmed report states that a few days ago they forcibly ejected an Ecuadorian patrol of ten men which attempted to cross the dry bed of the Zarumilla.

According to the information of the Embassy, no progress has been made by the diplomatic negotiations leading to a peaceful settlement of this border dispute.

Respectfully yours,

For the Ambassador:
WILLIAM C. BURDETT
First Secretary of Embassy

722.2315/706

The Minister in Ecuador (Dawson) to the Secretary of State

No. 736

QUITO, November 5, 1932.

[Received November 17.]

SIR: I have the honor to refer to the Legation's despatch No. 712 of October 13, 1932, concerning the recent Ecuadoran-Peruvian border incident on the Zarumilla River.

As set forth in this despatch, the incident appeared to be of slight importance and to have been satisfactorily settled. Nevertheless, during the past few days the Quito press has published reports accusing Peruvian forces of subsequent incursions into Ecuadoran territory in the same area. For instance, on October 26, *El Día* quoted a letter of October 22 from Machala to the effect that seventy armed Peruvians had entered Ecuadoran territory "in the jurisdiction of Pocitos" the name given the island between the old and new beds of the Zarumilla River) and had threatened a small force of Ecuadoran rural police. On October 28, *El Comercio* reported that Peruvian troops were patrolling an area on the right bank of the Zarumilla which had previously never been occupied by Peruvian forces. Again on November 4 *El Día* quoted a letter from Chacras alleging that fifty Peruvian soldiers under a Lieutenant Chuaca had occupied Pocitos, contemplated the occupation of other localities, and had undertaken the construction of a road.

I have discussed these reports with the Ecuadoran Minister for Foreign Affairs who informs me that they presumably have their origin in letters referring to events of some time ago and that the border incident has in the meantime been satisfactorily disposed of. The Minister informs me further that, in order to guard against further difficulty, the Ecuadoran and Peruvian Governments have agreed to withdraw all forces to a prudent distance (*distancia prudencial*) from the scene of the recent incident. He added that the Peruvian Government had manifested its desire to send two guards from time to time to patrol the intermediate area but that he had not accepted this proposal. The Peruvian Minister in Quito has also informed me of the agreement between the two Governments to withdraw their forces to a safe distance in order to prevent further incidents.

It seems likely that, in so far as they have any basis in fact, the recent reports published by the Quito press refer to events which

occurred some days or weeks ago. Furthermore, it is to be noted that they appear to be based on letters from private persons. These letters are no doubt exaggerated and presumably reflect the uneasiness and hostility prevailing along the border at the time.

Respectfully yours,

WILLIAM DAWSON

722.2315/704

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2315

LIMA, November 7, 1932.

[Received November 14.]

SIR: I have the honor to refer to my despatch No. 2291 of October 31, 1932, concerning the boundary troubles between Peru and Ecuador and the attitude of the latter in relation to the Leticia incident.

Guayaquil United Press despatches dated November 5th state that Peruvian forces do not occupy Pocitos, the disputed territory on the frontier between Ecuador and Peru, as the Minister of Foreign Affairs of Ecuador has published assurances of the Minister of Foreign Affairs in Peru to the effect that Peruvian forces would remain in their former positions and do not occupy the zone agreed to be left unoccupied by the forces of both countries. There are no developments from the Peruvian side of the boundary. A strong force of civil guards with troops of the line in reserve are based on Zarumilla.

Peruvian opinion is much interested in the reported appointment of Guillermo Valencia, the Colombian conservative statesman and man of letters, as Special Ambassador to Ecuador. This appointment is regarded as an endeavor to support the Colombian thesis before Ecuadorian public opinion. Doctor Valencia comes from the Colombian department of Cauca, which has many commercial and cultural relations with Ecuador.

The most reliable reports from Ecuador confirm the intended attitude of that country as one of strict neutrality in the event of war between Peru and Colombia, but the prevalent feeling of Peru is that Ecuadorian sentiment strongly leans toward the Colombian attitude and that Ecuador can hardly be expected to decline a favorable opportunity to reassert its rights on the Napo, Pastaza, Paute, and other rivers which have been granted to Ecuador by treaties and which are now occupied by Peru. At any rate, Peru is taking into account the possibility of active Ecuadorian assistance to Colombia in the event of hostilities, and the formulation of Peruvian plans take into consideration the possibilities of Ecuadorian military action.

A rumor has been current in Lima, which is unconfirmed but which, nevertheless, has been widely circulated to the effect that Ecuador has made a secret agreement with Colombia, according to which Colombia will receive direct aid from Ecuador in the event of war with Peru. The fact that this rumor is widely credited illustrates the nervous state of Peruvian public opinion. There is no immediate alarm here but most Peruvians realize that their country has two instead of one potential enemy on the north, and this fact exercises a definite effect in cooling the ardor for war.

Respectfully yours,

For the Ambassador:
WILLIAM C. BURDETT
First Secretary of Embassy

722.2315/708

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2331

LIMA, November 10, 1932.
[Received November 17.]

SIR: I have the honor to report to the Department that during the Leguía régime a form of treaty had been worked out between the Ecuadorian Minister here and the Peruvian Government, but as he considered that it was not satisfactory for Peru, the then Minister of Foreign Affairs, Señor Oliveira, rejected the treaty. The Department doubtless recalls this Embassy's various reports upon the long continued negotiations carried on by Señor Aguirre Aparicio, the Ecuadorian Minister here, with this Government, the last of which was my No. 2242 of October 17, 1932. I now have the honor to inform the Department that word comes through a trusted source from Señor Oliveira that the Ecuadorian Government has represented, through its Minister to Lima, that unless Peru is prepared to sign this treaty, formerly rejected by Sr. Oliveira, Ecuador will cast in her lot with Colombia. Señor Oliveira has assured the Embassy's informant that the Minister for Foreign Affairs, Doctor Zavala, in his efforts to protect the Government from the consequences of its indefensible stand in the Leticia question, is prepared to sign the treaty with Ecuador and that the ceremony will take place very shortly, very likely with the same publicity that has been cast about the signing of various agreements with Chile. Señor Oliveira feels that very extensive tracts of territory, which should be retained by Peru, will be turned over by the treaty to Ecuador and that the present Government, in signing the treaty, will be practicing precisely

the sort of mutilation against which *El Comercio* and the Civilistas and Sanchezcerristas are so voluble in protest at the present time.

Another phase of the significance of this matter is the fact that word of the proposed action of the Foreign Minister has got about and many Peruvians, especially in the Army, are incensed by it and are quite prepared to make the signing of the treaty with Ecuador the basis for subversive action against the Government along lines which I shall set out in my despatch No. 2333 of November 10.⁵

Respectfully yours,

FRED MORRIS DEARING

722.2315/703 : Telegram

The Secretary of State to the Minister in Ecuador (Dawson)

WASHINGTON, November 16, 1932—6 p. m.

21. As you are probably aware, the Ecuadorian Government is handing a memorandum⁶ to all the American Governments in effect serving notice of Ecuador's interest as an "Amazon country" in the situation arising from the Leticia incident. Copies of this memorandum are being sent you by mail. The Department assumes that the motives behind the memorandum are to be found in the statements made to you by Señor Guarderas as reported in your despatch No. 730, October 31.⁵

STIMSON

722.2315/703 : Telegram

*The Secretary of State to the Minister in Colombia (Caffery)*⁷

WASHINGTON, November 16, 1932—7 p. m.

50. As you are probably aware, the Ecuadoran Government is handing a memorandum to all the American Governments, in effect serving notice of Ecuador's interest as an "Amazon country" in the situation arising from the Leticia incident. Copies of this memorandum are being sent you by mail. The following is given you for your confidential information by way of background and probable explanation of the memorandum:

Minister Dawson's recent despatches have shown an increasing

⁵ Not printed.

⁶ See note of November 12 from the Ecuadoran Minister, p. 292.

⁷ The same telegram was sent, November 16, to the Ambassador in Peru (No. 75).

sentiment on the part of the Ecuadoran public that the Ecuadoran Government should not stand idly by while events which may affect her territorial rights are taking place. This feeling resulted in the creation of an "Advisory Board on Foreign Relations" composed of 15 prominent Ecuadorans for the purpose of cooperating with the Foreign Office with particular reference to "the international situation which has arisen as a result of the Leticia incident". This board has been meeting frequently with the Foreign Minister. Recently Minister Dawson reported that a member of the board told him in conversation that "Ecuador's future depends on the Oriente region, including an outlet to the Amazon basin, and that the present is an opportune time for the country to seek a hearing for its just claims". Mr. Dawson inferred that he "contemplated perhaps an effort to obtain the moral support of the United States and other American countries for a settlement of the Oriente question in which Ecuador would have an opportunity to be heard".

STIMSON

722.2315/722

The Minister in Ecuador (Dawson) to the Secretary of State

No. 757

QUITO, November 16, 1932.
[Received December 1.]

SIR: I have the honor to refer to the Legation's telegram No. 49 of November 16, 9 a. m.,⁹ reporting the receipt from the Peruvian Minister in Quito of information to the effect that, at the suggestion of the Ecuadoran Foreign Office, his Government had consented to resume negotiations looking to a settlement of the Ecuadoran-Peruvian boundary dispute.

I met the Peruvian Minister, Sr. García, last evening at a banquet in honor of President Elect Martínez Mera. After dinner, Sr. García took me to one side and stated that he knew that I would be interested in learning that Peru and Ecuador were going to discuss a settlement. He went on to say that some days ago the Ecuadoran Minister for Foreign Affairs, Dr. Cárdenas, had broached the question and inquired with some hesitation whether Peru would consider negotiations at this time. Sr. García signified his willingness to submit the matter to Lima and, in so doing, recommended favorable consideration. He informed me that he had just received his Government's reply consenting to conversations, and that he would so advise Dr. Cárdenas today.

⁹ Not printed.

I asked Sr. García if this meant a resumption of the negotiations broken off after the fall of the Leguía Government, to which he replied in the affirmative. In our further conversation, he said that he had no idea how soon the negotiations would be resumed, where they would be conducted, or what form they would take. Referring to a previous conversation (reported in my despatch No. 726 of October 27, 1932),¹⁰ in which he had expressed apprehension lest Ecuador antagonize Peru by an aggressive attitude, Sr. García stated last night that he felt confident that the Ecuadoran pretensions would not be excessive.

With respect to the previous conversations conducted by the Leguía Government, Sr. García said that very little real progress had been made at that time and that the Ecuadoran Government had never formulated concrete demands.

Respectfully yours,

WILLIAM DAWSON

722.2315/707 : Telegram

The Minister in Ecuador (Dawson) to the Secretary of State

QUITO, November 17, 1932—11 a. m.
[Received 9 p. m.]

50. Department's telegram No. 21, November 16, 6 p. m. The memorandum in question was published here on November 14 and has been well received locally. I am informed that memorandum was also transmitted the Pan American Union and the League of Nations.
DAWSON

722.2315/716

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2360

LIMA, November 18, 1932.
[Received November 25.]

SIR: I have the honor to report that the attitude of Ecuador regarding the Leticia dispute has become of the greatest interest through the publication of the Ecuadorian Memorandum of November 12th and the realization in Peru that whatever Ecuador gains in the Amazon will be at the expense of Peru and not of Colombia.

All Peruvian maps for the past twenty-five years have shown the Western [*Eastern?*] Ecuadorian frontier to be about twenty kil-

¹⁰ Not printed.

ometers East of Riobamba and Latacunga and only forty kilometers East of Quito. The Peruvian public in general has been so accustomed to this boundary line that they have assumed that it is a definite and uncontested one, and the realization that Ecuador claims immense territory on the Paute, Pastaza, and Napo comes as a shock to almost all the people of Peru.

Both Colombia and Peru have hitherto treated Ecuadorian claims lightly and took the position that as Ecuador was a weak country its pretensions need not be considered seriously. Although Ecuador several times formally protested against the Salomón-Lozano Treaty, the present efforts of Colombia to effect a *rapprochement* are more soundly based than any advances Peru might make, inasmuch as Colombia in the 1916 Treaty¹¹ agreed on its Ecuadorian frontiers, while Peru has consistently claimed everything and admitted nothing. Furthermore, Colombia has nothing to lose in recognizing Ecuadorian claims on the Amazon tributaries.

The Colombian diplomatic efforts to excuse the secrecy of the Salomón-Lozano Treaty insofar as Ecuador is concerned is a matter of some difficulty. At any rate, the present opportunity would seem to be the most favorable one Ecuador has had since 1830 to obtain the recognition by both its neighbors of its rights to part of the Amazon. Colombia is, of course, happy to admit Ecuadorian maximum contentions inasmuch as they are all to be taken from Peru. The position of Peru is extremely delicate and may lead to a compromise which will recognize an Ecuadorian frontier far to the East of that now recognized by Peru.

Peruvian public opinion is being prepared for concessions to Ecuador and the censorship is being relaxed on news from that country. An editorial in *El Telegrafo* of Guayaquil of November 9th has been republished in *El Comercio* of Lima, which agrees heartily with all the criticism of Colombia but takes offense at the statement that Peru has for a century been the common enemy of both Ecuador and Colombia. Reports reaching the Embassy to the effect that Ecuador is taking steps to call out military reserves are not allowed to be published in Lima.

The belated consideration by the Peruvian Foreign Office of the Ecuadorian boundary claims is being hurried through in the greatest secrecy. The Ecuadorian Minister in Lima is working quietly and from time to time issues public statements to the effect that the frontier trouble at Pocitos lacks importance and that certain

¹¹ Muñoz-Vernaza Suárez Treaty, *British and Foreign State Papers*, vol. cx, p. 826.

military preparations in Ecuador are taken purely in order to assure its neutrality.

The Peruvian thesis regarding Leticia to the effect that it is outrageous for Peruvian citizens to be transferred to another country without their consent, will be completely demolished if present negotiations contemplate transferring to Ecuador the Peruvians who happen to live on the Pastaza and Napo. There are not very many of them—perhaps not as many as in Leticia—but the principle is the same. The entire question adequately illustrates the absence of foundation for the Peruvian contention.

It is clear that the sudden realization that Ecuador could seize the opportunity of hostilities between Peru and Colombia to assert its claim to half the Department of Loreto, has tempered the ardor of the directors of Peruvian foreign policy. This attitude of Ecuador may conceivably be the factor which will decide Peru to retreat from its position regarding Leticia. A convention recognizing Ecuadorian claims would afford an outlet from the dilemma vis-à-vis Ecuador, but would accentuate the difficulties of a peaceful exit from the Leticia predicament.

The frontier incidents between Peru and Ecuador have been minor irritants of small consequence in themselves, but present the possibilities of a serious situation. There is no official news in Lima concerning the Pocitos question. Peruvian gendarmes are stationed at Zarumilla, and Ecuadorian police somewhere across the border. Peruvian line troops have been sent to Talara and the usual garrison at Piura has been reinforced. Peru could place a maximum of 1000 men on the frontier in two days.

Reports from Guayaquil state that the chief reason for Peru's being caught in its false position at Leticia is the fact that Ordoñez, the leader of the captors of Leticia, is a close relative of Vigil, the former private secretary and close political confidant of Sanchez Cerro. The Vigil family, as the Department is aware, was offered a purchase of its Leticia corridor farm by the Colombian Government but declined and asked for a larger price. The Colombians delayed and the Leticia incident resulted. It is amply demonstrated that the personal ambitions of the Arana and Vigil-Ordoñez families in Loreto were responsible for the Leticia uprising.

The Ecuadorian Memorandum of November 12th is a basic document of exceptional interest. It will serve to give notice that Ecuador as well as Colombia and Peru, is a party to the control of the north-west Amazon, and the high expressions of neutrality and aspiration for a just decision are tempered by the emphatic declaration that Ecuadorian rights must be respected. The outstanding point is the

firm stand for an Ecuadorian share in the Amazon and this point will not be lost on Peru.

The Department's telegram No. 75 of November 16, 7 p. m.,¹² concerning this Memorandum, has been received.

Respectfully yours,

For the Ambassador:
WILLIAM C. BURDETT
First Secretary of Embassy

722.2315/720

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2371

[LIMA,] November 19, 1932.

[Received November 28.]

SIR: I have the honor to refer to my despatch No. 2331 of November 10, 1932, regarding the probability of the early completion of a boundary treaty with Ecuador, to the Department's telegram No. 76 of November 17, 11 [6] p. m.,¹³ and to the Embassy's telegram No. 228 of November 18, midnight,¹³ and to enclose to the Department herewith an interesting memorandum¹³ from Mr. Ackerson after a talk with Dr. Ricardo Ribero Schreiber, formerly Peruvian Minister to Ecuador.

I saw my Ecuadorian colleague momentarily yesterday and he has informed me he will soon stop at the Embassy for a talk. I could not open up the subject of the treaty with him when I saw him.

In view of all that has been reported to the Embassy from two or three quite trustworthy sources, it is all the more amazing to receive the President's flat statement that no boundary treaty with Ecuador is going to be signed, and that such a thing has not even been considered!

In the same conversation in which he told me this, in response to my direct question, the President indicated rather plainly that there was a lack of confidence between himself and his cabinet; so it may be the case that some negotiations have been going along of which the President has not been kept fully informed. The subject seemed to be a trifle bothersome for him and I accordingly did not press the matter. He asked me, rather searchingly, where I had heard anything to that effect and I told him that it was a matter of common report in Lima and that I had also had word from Ecuador and from Washington, but I did not reveal my source of information in any more than this general way.

¹² See footnote 7, p. 361.

¹³ Not printed.

After I had spoken with the President in the morning, I had an opportunity to speak to one of his closest personal advisers in the afternoon, Señor Rosendo Badani, who, without my asking anything about Ecuador and in another connection, informed me that Peru considers Ecuador to be the critical factor in the present general situation and in the dispute with Colombia.

Señor Badani stated that Colombia was moving heaven and earth to bring Ecuador in on the Colombian side and that Peru felt that the most effective way to meet this situation was by arming herself as heavily as possible and presenting so formidable a picture to Ecuador that if Ecuador did not side with Peru, it would at least abide by its proclaimed neutrality and not side with Colombia.

Señor Badani was not much inclined to estimate the significance of the Ecuadorian memorandum of November 12. He declared, however, that it was not likely, for physical and geographical reasons, that there will be much fighting in the Amazon; he felt that the possession of the head waters of most of the rivers to the north of the Amazon did give Ecuador a right to insist upon being considered in connection with the Amazon situation in general, and he thought that if any attack were made upon Peru, it would be from a base in Ecuador and against northern Peru. That is why, he stated, the President is anxious to arm as heavily as possible. The implication was that the President would do everything he could to strengthen the situation in northern Peru and bluff Ecuador into cooperation or inaction.

A part of this theory may be speculation on Señor Badani's part. The Department will recall the reports recently reaching the Embassy of serious army disaffection in the north and of a declaration that the northern troops would not fight Colombia. Please see, in connection with this report, the Embassy's despatch No. 2360 of November 18, 1932, despatch No. 2333 of November 10, 1932,¹⁴ and the Embassy's other recent despatches regarding the Ecuadorian angle of the Colombia-Peruvian dispute.

Respectfully yours,

FRED MORRIS DEARING

¹⁴ Latter not printed.

722.2315/723

The Ambassador in Peru (Dearing) to the Secretary of State

No. 2387

LIMA, November 23, 1932.

[Received December 1.]

SIR: I have the honor to inform the Department that my Ecuadorian colleague, Señor Aguirre Aparicio, informed me this morning that the Foreign Minister had been earnestly soliciting Ecuador to take some sort of initiative that would assist in the controversy between Peru and Colombia concerning Leticia and the Amazon region. Señor Aguirre Aparicio stated that he had first suggested that representatives from Brazil, Peru, Colombia, and Ecuador—the four Amazon countries—should discuss some basic and lasting arrangement of their boundaries in the Amazon region which would allay, once and for all, the spectre of continually recurring disputes. The Minister criticized the method of the Spanish land grants and cédulas and said that until some general arrangement of boundaries concurred in by the four countries could be reached, there would always be the possibility that disputes would arise from time to time. The Minister indicated that Peru and Brazil were somewhat favorable to his idea, but that Colombia was not willing to do anything, and that this obstacle could not be got over. He understands, of course, the Colombian reaction and felt that it was due to the fact that with Leticia occupied by Peruvian civilian invaders, it was impossible to take up any boundary matters until Colombia had reestablished her authority at Leticia. However, Colombia seems not to have held out much promise to do anything even after her authority is again set up.

Señor Aguirre Aparicio then told me that he and the Foreign Minister had agreed that since nothing so fundamental as the Four Power arrangement could be worked out at present, Peru and Ecuador might just as well go as far as possible towards settling their differences. The Minister repeated to me what he has said on various previous occasions, namely, that he was within two months of getting a very satisfactory and fundamentally sound arrangement perfected with Leguía when Sanchez Cerro came into power in 1930. He stated that all the main situations had been worked out and that what would be submitted to the President of the United States for arbitration under the terms of the Protocol, would only be certain of the less important stretches of the boundary where it had been difficult to make mutually satisfactory arrangements by direct negotiations. The Minister said that any broad and early settlement of the boundary question would invite further trouble and that he had

worked slowly and carefully precisely to avoid any lengthy arbitration arrangements which would cause local difficulties and later upsets.

The upshot of the talks the Minister had had with the Foreign Minister during the last few weeks was, the Minister informed me, that the matter should be taken up again, that notes should be exchanged, and that the basis for the treaty should be found. This, the Minister stated, was as far as they had got. He added that, contrary to the report now going around to the effect that a treaty would be signed within a very short time, this was not likely, but that there was a clear understanding with the Foreign Minister and that negotiations had begun. However, there is not a very bright prospect that they can continue. The Foreign Minister is ill—rumor has it that he will soon leave the Cabinet, and he is understood to desire to leave the Cabinet. Señor Aguirre Aparicio, however, feels that the situation may be changed somewhat. He says he spoke to the President on Sunday and that the President is now saying complimentary things about his Foreign Minister. Señor Aguirre Aparicio states that the Commission of Notables and the Diplomatic Commission of the Constituent Assembly are both very anxious to have Dr. Zavala Loaiza remain at the head of the Ministry for Foreign Affairs, and that there is a possibility that he may indeed do so on account of this support and to support coming from Civilista ranks. The Minister stated that he had been informed that the new Constitution will be declared to be in force around about the middle of December but that a long list of alterations, provisions, etc., has been drawn up for approval by the Constituent Assembly before the new Constitution is promulgated. One of these provisions, he says, is that the Constitutional requirement that no member of the Judiciary shall serve in the Cabinet will be declared to be inoperative until some date rather far in the future—possibly a year or two away. Whereupon the way will be open for Dr. Zavala to remain.

It is difficult to discover just what is taking place. The Department will recall my other reports to the effect that the President has asked Dr. Araujo Alvarez to form a Government. Yesterday he is reported to have asked Señor Barreda also to do so. Most of the current rumors would indicate that there will be a change, and most of them would indicate that something will be done to change the Constitutional provision above referred to, since Zavala, Alvarez, and Barreda are all members of the Judiciary.

Finally, I beg to call the Department's attention to the President's direct statement to me that no treaty with Ecuador has even been considered. Either he does not know what his Foreign Minister is

doing, or he wished to mislead me. Señor Aguirre Aparicio feels the President is still in the confidence of the Foreign Minister, but my own impression is somewhat to the contrary.

Respectfully yours,

FRED MORRIS DEARING

722.2315/724

The Minister in Ecuador (Dawson) to the Secretary of State

No. 778

QUITO, November 29, 1932.

[Received December 8.]

SIR: I have the honor to refer to the Legation's despatch No. 745 of November 9, 1932,¹⁶ reporting the substance of a conversation with the Chilean Chargé d'Affaires touching the Leticia incident and more particularly eventual Chilean mediation with a view to facilitating a settlement of the boundary dispute between Ecuador and Peru.

On November 26 in the course of a reception at the American Legation, the Chilean Chargé took me to one side and read to me a telegram which had, he said, just been received from his Government. The telegram consisted of several paragraphs and in the circumstances I could make no note of the contents. The general purport, however, was to the effect that, while Chile viewed with sympathy any steps looking towards a boundary settlement, it could not undertake to intervene in a delicate international situation. I recall a reference to the respect of treaties and the closing statement that the early appointment of an Ecuadoran Minister to Santiago would afford an opportunity for further conversations.

After reading the telegram, the Chargé said: "No se quieren meter" (They wish to keep out of it). He then said that he had hoped that a new Ecuadoran Minister might reach Santiago for the inauguration of President Alessandri but that he considered this doubtful. Dr. Catón Cárdenas has been mentioned for the post but, while he may be appointed, I do not believe that the matter has been definitely decided.

Sr. Prado, the Chilean Chargé, told me that he might make a hurried visit to Santiago in December and that in this case he would call on President Sanchez Cerro en route. I have the distinct impression that Sr. Prado is very friendly towards Peru and is disposed to exert himself personally with a view to furthering cordial relations between Ecuador and Peru.

Respectfully yours,

WILLIAM DAWSON

¹⁶ Not printed.

721.23/647

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] December 23, 1932.

The Minister of Ecuador, Señor Zaldumbide, called and again expressed the interest of his Government in the boundary settlement in the upper Amazon region. He told me that he was instructed to advise me officially but confidentially that Ecuador has opened negotiations with Peru for the settlement of its boundary and that negotiations are proceeding at Quito.

The Minister again expressed the great desire of his Government that in any settlement that should be made now Ecuador would not be left out as was the case in 1922 and 1925 when the Colombian-Peruvian Treaty¹⁷ and the Tripartite Agreement between Brazil, Colombia and Peru,¹⁸ respectively, were signed. He said that on those occasions Ecuador had been treated as though it were a disturbing element seeking only to make difficulties. He said this is not at all the idea or intention of the Ecuadoran Government which, on the contrary, frankly desires a settlement and wants to cooperate to that end.

The Minister said that everything that goes on in Latin America is known in Washington; that this is the center of all activity, and for that reason he hoped that we would advise him of anything that is taking place. I asked Mr. Zaldumbide whether his Government had advised the Colombian Government of the negotiations going on between Ecuador and Peru and he said they had not. I told him they might wish to consider doing so because it is quite possible that there might be a direct settlement between Colombia and Peru and unless Colombia was informed of Ecuador's position and desires it was quite possible that some arrangement might be arrived at without Ecuador being informed. I told the Minister that of course we would be very glad to tell him anything we properly could but that we are often given information confidentially and if, for instance, later on there should be negotiations between Peru and Colombia resulting in a settlement concerning which we were informed confidentially, we could not advise the Ecuadoran Government thereof. I told him that right now I am not authorized to advise the Colombian Government that Ecuador and Peru are negotiating and, similarly, should there be negotiations later on between Colombia and Peru, I might be advised of them in the same confidential way as he had just advised me of the Peru-Ecuador negotiations. Of course anything

¹⁷ Signed March 24, 1922, League of Nations Treaty Series, vol. LXXIV, p. 9.

¹⁸ Procès-Verbal of March 4, 1925, *Foreign Relations*, 1925, vol. I, p. 461.

coming to us in confidence we would have to keep confidential and could not pass on to him. The Minister said he understood this but that we had so many sources of information; that we might be informed through our Ambassador in Lima, our Minister in Colombia, et cetera. I said that of course that was quite possible but that our representatives abroad might in turn receive confidential information and while they would advise the Department the Department could not give this information out. The Minister said he understood this perfectly and he was not asking us to do anything that was improper but anything we did learn that we could tell him would be most welcome. I told him that we would keep the matter in mind and of course if there should be anything we could properly advise him of we would be glad to do so.

F[RANCIS] W[HITE]

GUATEMALA AND HONDURAS¹⁹

714.1515/1184

Memorandum by Mr. Richard M. de Lambert of the Division of Latin American Affairs

[WASHINGTON, undated.]²⁰

On July 16, 1930, delegates of Guatemala and Honduras in Washington signed a treaty²¹ providing for the settlement of the boundary controversy between those two countries by arbitration by a tribunal of three members to be presided over by the Chief Justice of the United States. Chief Justice Hughes accepted to act in the capacity indicated. On the same date a supplementary convention was signed²² providing for the delimitation of the frontier after the award is rendered.

The Honduran Congress approved ratification of the treaty and supplementary convention on February 23, 1931.

Similar action was taken by the unanimous vote of the Guatemalan Assembly on May 29, 1931.

The Honduran Government has appointed the following commission to present its case before the arbitral tribunal:

Dr. Mariano Vasquez—Minister Plenipotentiary on Special Mission—Chief of Honduran Mission.

Mr. Augusto C. Coello—Adviser.

Mr. Augustin P. Barranco—“

¹⁹ Continued from *Foreign Relations*, 1930, vol. I, pp. 344-361.

²⁰ Received by the Assistant Secretary of State on September 18, 1931.

²¹ League of Nations Treaty Series, vol. cxxxvii, p. 231.

²² *Ibid.*, p. 236.

Dr. Arturo Martínez Galindo—First Secretary.
Mr. Miguel Paz Paredes—Second Secretary.
Mr. Medardo Zuñiga V.—Technical Member.
Mr. Felix Canales Salazar— “ “
Mr. Carlos Izaguirre V.
Mr. Jorge Fidel Duron.

On August 18, 1931, the Guatemalan delegation was appointed, comprising the following:

Mr. Carlos Salazar, Chairman.
Dr. Adrian Recinos, Consulting Attorney.
Mr. Manuel Echeverría y Vidaurre, Consulting Attorney.
Mr. Charles Cheney Hyde—Consulting Attorney.
Mr. Alfonso Carillo—Secretary.

This delegation has now arrived in the United States.

A representative of the Honduran Government in Washington informed the Department of State on July 18, 1931, that he was authorized to proceed with the exchange of ratifications of the treaty and supplementary convention. The President of Guatemala signed the instrument of ratification on August 17, 1931, and in accordance with the terms of the agreements the ratifications are to be exchanged in Washington within sixty days after that date.

[R. M.] DE L[AMBERT]

714.1515/1195

Memorandum by the Assistant Secretary of State (White)

[WASHINGTON,] October 15, 1931.

The Minister of Guatemala, Dr. Recinos, and the Minister of Honduras, Dr. Dávila, called to exchange ratifications of the treaty and additional convention regarding the arbitration of their boundary dispute. They exchanged the ratifications and signed a protocol to this effect, copies of which they also exchanged.

They left with me a note to the Secretary of State enclosing copies of the Treaty and Additional Act and asking that they be transmitted to the Chief Justice, advising him of the exchange of ratifications and of his designation as Presiding officer of the arbitral tribunal.

Dr. Rowe was also present, as was Mr. Sidney Smith.

F[RANCIS] W[HITE]

714.1515/1292

The Secretary of the Special Boundary Tribunal, Guatemala-Honduras (Cohen), to the Secretary of State

WASHINGTON, July 7, 1932.

SIR: After a careful study of the evidence submitted by Counsel for both Parties, the Guatemala-Honduras Special Boundary Tribunal made the following Ruling at its meeting of June 29, 1932:

"In view of the inadequacy of the topographical data with respect to certain portions of the territory in dispute, the Tribunal, referring to Article XIII of the Treaty of Arbitration of July 16, 1930, and in order to accomplish its purposes, directs that arrangements be made for the submission by the Governments of Guatemala and Honduras to the Tribunal, as soon as possible, of photographs and map of an aerial survey embracing the following described territory:

Beginning at a point on the coast of the Gulf of Honduras at and including Omoa; thence in a southwesterly direction to and including Cerro San Ildesonso; thence to Quimistan; thence to Macuelizo; thence to and including Cerro Azul; thence to San Augustin Boca del Monte; thence to and including Cerro Erapuquita; thence to and including Cerro Oscuro; thence to and including Cima Cuchilla Dantas; thence to and including Cerro Brujo, on the boundary of El Salvador; thence in a northerly direction to and including Quebrada Pedernales; thence to and including the confluence of the Mapa River with the Playon River; thence along and embracing the course of the Jupilingo River to and including Caparja; thence to and including Cerro Chaguites; thence to and including Cerro Ceniza; thence to, and embracing the course of, the Managua River to its confluence with the Motagua River; and thence along and embracing the course of the Motagua River to the sea.

The Secretary of the Tribunal is directed to take all appropriate steps for the carrying out of this order and to supervise all proceedings in connection with the making of said arrangements and the filing of said photographs and map.

Charles Evans Hughes
President

Luis Castro-Ureña
Arbitrator

Emilio Bello-Codesido
Arbitrator"

At the suggestion of Mr. S. W. Boggs, Geographer of the Department of State, who has been unofficially advising the Tribunal on cartographic matters, Mr. S. H. Birdseye, Engineer Assistant to the Director of the Geological Survey and a recognized authority on Aerial Mapping, was consulted as to the best way of carrying out the instructions of the Tribunal. His recommendations and sugges-

tions are incorporated in the final Memorandum of July 5, 1932, a copy of which is enclosed herewith.²³

The Tribunal approved the program of work drawn up by Mr. Birdseye, and the Governments of Guatemala and of Honduras, on agreeing to furnish the information requested by the Tribunal, entrusted this Secretariat with the actual arrangements for the making of the aerial Survey.

In view of the constant and unfailing interest the Government of the United States has shown in connection with the settlement of the long-standing boundary controversy now under adjudication by the Tribunal, and pursuant to the instructions given me in the Ruling above transcribed, I have the honor to place before you the formal request of the Tribunal for your invaluable assistance in securing from the War, Interior, and Commerce Departments the facilities indicated in the Memoranda attached hereto.

The Tribunal undertakes to return in good order such field instruments and equipment as may be loaned for use by the surveying party, and to reimburse the various Departments of the United States Government, through the Department of State, for the salaries, allowances, or other expenses customarily paid the personnel whose services may be required, and for such materials and supplies as may be needed in the work.

I avail myself [etc.]

B. COHEN

714.1515/1291 : Telegram

*The Secretary of State to the Minister in Guatemala (Whitehouse)*²⁴

WASHINGTON, July 15, 1932—4 p. m.

31. After consultation with Guatemalan and Honduran Governments the Guatemala-Honduras Special Boundary Tribunal has arranged to have surveys made in certain portions of the disputed territory. Mr. Sidney H. Birdseye and his assistant, Mr. Vincent Hanrahan, sailing respectively from New York July 15 and New Orleans July 20, expect to meet at Puerto Barrios on July 25 in order to enter upon this work. Arrangements are now being made with the United States War Department for an airplane to make an aerial survey in territory designated by the Special Boundary Tribunal, the plane to arrive from the Canal Zone at the scene of the survey probably about August 1.

²³ Not printed.

²⁴ A similar telegram was sent to the Minister in Honduras with the added instruction to repeat also to the Consulates at Puerto Cortes and Tela.

The Department desires that all appropriate assistance be rendered to the members of the survey party consistent with your official duties, and that their official communications be transmitted in the pouch. Please repeat this instruction to the Consulate at Puerto Barrios.

STIMSON

714.1515/1300

The Chief of Staff of the United States Army (MacArthur) to the Secretary of State

WASHINGTON, July 25, 1932.

MY DEAR MR. SECRETARY: At the request of the Secretary of War,²⁵ receipt is acknowledged of your letter of July 8th,²⁶ wherein you request the cooperation of the War Department in accomplishing an aerial photographic project of an area on the Guatemala-Honduras boundary for the Guatemala-Honduras Special Boundary Tribunal.

The project indicated can be accomplished by the Army Air Corps, provided the Air Corps is reimbursed for the cost of making the photographs, such cost to be confined to the actual cost of gasoline, oil, film, paper, chemicals, the labor performed in developing the photographic negatives and the printing of copies of photographs, and the per diem expenses of the personnel as authorized by law, together with such incidental expenses as care and minor repairs to airplane and transportation of personnel to and from project.

It is desired that the Department of State secure the necessary authorization for Army personnel and airplane with aerial photographic equipment, to pass through Panama, Costa Rica, Nicaragua, Salvador, Honduras and Guatemala.

Sincerely yours,

DOUGLAS MACARTHUR

714.1515/1303

The Secretary of the Special Boundary Tribunal, Guatemala-Honduras (Cohen), to the Secretary of State

WASHINGTON, July 28, 1932.

SIR: Your letter of July 27, 1932,²⁶ enclosing a letter dated July 25, from the War Department, is hereby acknowledged with sincere appreciation. In connection with the letter of General Douglas MacArthur, Chief of Staff, on behalf of the Secretary of War, I wish to

²⁵ Patrick J. Hurley.

²⁶ Not printed.

request that you kindly advise the War Department, as soon as possible, of the Tribunal's acceptance of the conditions set forth for the performance by the Army Air Corps of the aerial survey contemplated. Those conditions are that the Air Corps be reimbursed for the cost of making the photographs, such cost to be confined to the actual cost of gasoline, oil, film, paper, chemicals, the labor performed in developing the photographic negatives and the printing of copies of photographs, and the per diem expenses of the personnel as authorized by law, together with such incidental expenses as care and minor repairs to airplane and transportation of personnel to and from project. I understand this acceptance is necessary before final orders to proceed with the work can be issued.

Additional information concerning the personnel of the Army Air Corps to be detailed to the aerial surveying unit, as to the equipment at their disposal, and with regard to the approximate dates of their arrival in Guatemala and in Honduras, would be extremely useful in order to secure the necessary facilities from the Governments of the above-mentioned Republics.

The invaluable cooperation of the Department of State in arranging for the generous assistance of various services under the War, Interior, and Commerce Departments, and in securing the authorization for army personnel and airplane with aerial photographic equipment to fly over the Central American nations lying between France Field, Colon, Panama, and the territory to be surveyed, is greatly appreciated by the Tribunal.

I avail myself [etc.]

B. COHEN

714.1515/1310

The Chargé in Guatemala (Donald) to the Secretary of State

No. 716

GUATEMALA, July 28, 1932.

[Received August 6.]

SIR: I have the honor to report that the American Vice Consul in Puerto Barrios²⁷ has advised the Legation that the Guatemalan engineers for the aerial survey of the disputed territory, Lisandro Sandoval, Miguel Angel Balcárcel, with the Chief of Protocol, Delfino Sanchez-Latour, arrived at Puerto Barrios on July 23rd. The Honduran engineers, Medardo Zuñiga-Vega and Felix Canales-Salazar, arrived by airplane from Tegucigalpa on July 24th. The American

²⁷ Patrick J. Powers.

engineers, Sidney H. Birdseye and Vincent Hanrahan, arrived on July 25th. On July 26th, all of the engineers went to Bananera on an inspection trip. The Vice Consul reports that he is advised that they will work between Puerto Barrios and Gualan from the railway line towards the border.

Respectfully yours,

G. K. DONALD

714.1515/1311

The Secretary of the Special Boundary Tribunal, Guatemala-Honduras (Cohen), to the Secretary of State

WASHINGTON, August 10, 1932.

SIR: I have the honor to convey the appreciation of the Tribunal to you, to Assistant Secretary of State, Hon. Francis White, and to the various divisions of the Department of State which have given their invaluable assistance in securing the facilities of several services of the Federal Government, and of the Governments of the Central American Republics, in connection with the aerial Survey of certain portions of the territory in dispute between Guatemala and Honduras, directed in the Tribunal's Ruling of June 29, 1932.

The generous response met with by the request of the Tribunal for such facilities, furnishes additional evidence of the active interest displayed by the Government of the United States, over a period of many years and through the Department of State, in the amicable settlement of the longstanding controversy between the Republics of Guatemala and of Honduras.

I avail myself [etc.]

B. COHEN

714.1515/1328

The Secretary of the Special Boundary Tribunal, Guatemala-Honduras (Cohen), to the Secretary of State

WASHINGTON, October 25, 1932.

MR. SECRETARY: The field operations of the aerial survey of certain portions of the disputed territory under adjudication by this Tribunal, ordered in the Ruling of June 29, 1932, have been successfully completed thanks to the invaluable cooperation of the U. S. Army Air Corps, the Department of the Interior and the Department of Commerce, which through your kind intervention agreed to lend their assistance to the Tribunal in mapping the area.

Upon being notified of this important event, both Agencies have requested that the Tribunal convey to the Government of the United States of America the sincere thanks of their respective governments for the generous help it has given in connection with the aerial survey.

The Tribunal directs me to reiterate to you its appreciation of the wholehearted assistance it has received, at all times, from the Department of State and its officials, both here and in the field, in the course of the proceedings for the determination of the boundary controversy.

I avail myself [etc.]

B. COHEN

714.1515/1333

The Secretary of the Special Boundary Tribunal, Guatemala-Honduras (Cohen), to the Secretary of State

WASHINGTON, November 8, 1932.

MR. SECRETARY: I have the honor to enclose herewith a certified copy of the Report³⁰ submitted by the Senior Ground Control Engineer of the Tribunal, Mr. Sidney H. Birdseye, on the work of the personnel detached by the United States Army Air Corps to serve in the aerial photographic survey of certain portions of the territory in dispute between the Republics of Guatemala and Honduras, ordered in the Ruling of June 29, 1932.

The Tribunal, after an examination of the photographic material obtained, endorses the commendation of its representative in the field, and has directed me to request that you be good enough to convey to the Secretary of War its appreciation of the important services rendered by the United States Army Air Corps in connection with the survey, both at the Washington and France Field headquarters, as well as in the disputed area.

The most efficient manner in which 1st. Lieut. H. K. Baisley, and 1st. Sergeant Barron C. Powers, carried out their mission, in the face of unusually difficult climatic conditions, deserves the highest commendation. The Tribunal would like to request of the War Department that its appreciation be conveyed to them and that this fact be entered in their service records.

I avail myself [etc.]

B. COHEN

³⁰ Not printed.