

## THE INTER-AMERICAN PEACE COMMITTEE

Among the many measures taken by the American States, before the meeting of the Bogotá Conference in 1948, to promote the pacific settlement of controversies, was a resolution of the Meeting of Foreign Ministers at Habana in 1940. The resolution, entitled "The Peaceful Solution of Conflicts," recommended to the Governing Board of the Pan American Union the organization of a committee composed of five countries which should have the duty of "keeping constant vigilance to insure that States between which any dispute exists or may arise, of any nature whatsoever, may solve it as quickly as possible"; and to that end the committee was further authorized to suggest measures and steps which might be conducive to a settlement, without prejudice, however, to methods adopted by the parties or procedures they might agree upon.

The functions assigned to the new committee were of a highly practical character and the resolution should have proved a useful supplement to existing inter-American agreements for the pacific settlement of disputes. Curiously enough, eight years passed before the committee was organized. In the meantime the Conference of Bogotá had met and adopted a formal Treaty on Pacific Settlement, coördinating and replacing existing treaties and conventions, but overlooking the Habana resolution of 1940 and making no provision for the special functions contemplated in the resolution.

It was not until July, 1948, that the Dominican Republic called upon the Council of the Organization of American States, as successor to the Governing Board of the Pan American Union, to request the countries represented on the Habana committee to appoint their respective delegates so that the committee might assist in settling the controversy that had arisen between the Dominican Republic and Cuba. The committee, known first as the "Commission on Methods for the Peaceful Solution of Conflicts" or the "Committee of Five," succeeded in bringing the parties together and in getting them to agree upon a formula for the solution of the problem by direct negotiations.

Some six months later, on February 16, 1949, the Government of Haiti submitted a case before the Council of the Organization of American States alleging that the Dominican Republic was permitting the use of its territory for attacks by radio broadcast against the Haitian Government, which constituted what was alleged to be "moral aggression." "This moral aggression," said the note of the Haitian Ambassador to the Chairman of the Council, "abetted in a foreign territory, has created a grave situation susceptible of endangering the peace which the Rio de Janeiro Treaty is supposed to preserve and defend." The Council found that the situation did not come within the terms of the Rio Treaty of Reciprocal Assistance and declined to convoke the Organ of Consultation; but at the same time it expressed the hope that the parties might resort to the procedures of pacific settlement provided in applicable inter-American instruments. At

this point the Committee of Five intervened and both parties agreed to accept its good offices. Three members of the Committee undertook to visit the two countries and to ascertain more impartially the facts at issue. After lengthy negotiations the Committee met on June 9, 1949, and announced that the two governments had agreed upon a Joint Declaration which would be published in their respective capital cities the following day. The Declaration proclaimed that the Governments of Haiti and of the Dominican Republic renewed their adherence to the principles contained in existing treaties and diplomatic agreements, that they would not tolerate in their respective territories the activities of individuals or of groups, whether national or alien, which had as their objective the disturbance of the domestic peace of a neighboring country, and that on the basis of these principles they were ready to renew direct negotiations and, if necessary, to have recourse to the established procedures of pacific settlement.

The solution of the two controversies, notably that of the second one which involved greater difficulty, was a distinct triumph for the Committee of Five, and it demonstrated the need of supplementing the Bogotá Treaty by some permanent machinery which in an informal way and without undue publicity might facilitate an agreement between the parties either by direct negotiation or by recourse to the procedures set forth in the Treaty. On the strength of its accomplishments the Committee felt it desirable to adopt a simpler name, and it is now known as "The Inter-American Peace Committee."

What is the relation of the Inter-American Peace Committee to the Organization of American States? How does it fit into the elaborate system of organs and dependent organs set forth in the Charter of 1948? The question raises a number of points of constitutional law of the inter-American regional system. Was it intended at Bogotá that the new Organization created by the Charter should succeed to all of the rights and obligations of the Union of American Republics which preceded it, and in so succeeding to take under its control whatever agencies might have been created by the Union of American Republics, even though no specific reference might have been made to them in the Charter? Assuming that it was so intended, then the Inter-American Peace Committee became automatically an agency of the Organization. But does that bring it under the control of the Council of the Organization? Apparently not, for the functions of the Council are set forth in detail in the Charter, and they would not appear to include the supervision of agencies of the Organization other than those mentioned in the Charter.

Doubtless the anomaly of a committee which is actually composed of members of the Council but is operating without responsibility to the Council, and which, limited as it is to five members, is exercising functions of a political character which were denied at Bogotá to the larger Council of twenty-one members, will be corrected at the Tenth Inter-American Con-

ference to be held in 1953, or possibly at an earlier Meeting of Consultation of Foreign Ministers.

In the meantime, however, it must be recognized that the Peace Committee is fulfilling a very useful function, and no one appears to find any difficulty in overlooking its peculiar position as an agency responsible only to the supreme authority of the Inter-American Conference or, under exceptional circumstances, to the Meeting of Consultation of Foreign Ministers.

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#### THE COMPETENCE OF THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

Among the many interesting constitutional problems that have arisen since the Charter of the Organization of American States came into effective operation is the question of the competence of the Council of the Organization. The Council is a unique body, unlike any other in the history of political institutions, just as the Organization of American States itself is unlike any other system of regional relations between states. The Council is not to be compared with the General Assembly of the United Nations, although it is composed of one representative of each of the twenty-one members of the Organization. It is not to be compared with the Security Council of the United Nations, although its powers to act as a provisional organ of consultation may under certain circumstances appear to give it such a character. Its composition and functions are only to be explained by the historical development of the inter-American system, which, in seeking a constitutional structure at Bogotá in 1948, at the same time sought to prevent any undue encroachment upon the reserved "sovereignty and independence of the members of the Organization."

The Conference was made the "supreme organ" of the Organization, deciding the general action and policy of the Organization and the structure and functions of its organs. But the Conference convenes only once in five years, so that it was necessary to establish a second organ entitled "The Meeting of Consultation of Ministers of Foreign Affairs," to consider problems of an urgent nature which could not await the meeting of a Conference, and at the same time to serve as the Organ of Consultation provided for in the Rio de Janeiro Treaty of Reciprocal Assistance. Since any individual member state might request that a Meeting of Consultation should be called, the decision as to the need of a meeting under the circumstances alleged to justify it was entrusted to the Council of the Organization, successor to the former Governing Board of the Pan American Union. The Council, consisting of specially designated ambassadors of the members of the Organization, holding regular sessions in Washington, appeared to be the appropriate body to set in motion the machinery of the Meeting of Consultation which might have to be called on short no-