

REVISTA DE DIREITO INTERNACIONAL BRAZILIAN JOURNAL OF INTERNATIONAL LAW

Brazil and the 1919 peace negotiations: a newcomer among the greats

O Brasil e as negociações de paz de 1919: um aprendiz entre os grandes

Paulo Roberto Almeida

VOLUME 19 • N. 3 • 2022 DOSSIÊ - HISTÓRIA DO DIREITO INTERNACIONAL NO BRASIL

Sumário

Crônicas14
PRÁTICAS DE ENSINO DO DIREITO INTERNACIONAL: CONTRIBUIÇÕES SOBRE O CASO POLLO RI- VERA VS PERU PARA A CLÍNICA DE DIREITOS HUMANOS
EDITORIAL
Dossiê
BRAZIL AND THE 1919 PEACE NEGOTIATIONS: A NEWCOMER AMONG THE GREATS
DIREITO INTERNACIONAL IMPERIAL E A CIRCULAÇÃO DE UMA CULTURA JURÍDICA HEGEMÔNICA: POR UMA MATRIZ
ANÁLISE DE DOIS EPISÓDIOS SINGULARES DE DIREITO DO MAR NO BRASIL: A "GUERRA DA LA- GOSTA" E O MAR TERRITORIAL DE 200 MILHAS MARÍTIMAS
THE ARBITRATOR EPITÁCIO PESSOA AND THE BRAZILIAN APPROACH TO ARBITRATION: AN ANALY- SIS OF THE SETTLEMENT OF DISPUTES BETWEEN PUBLIC ENTITIES AND FOREIGN INVESTORS88 Henrique Lenon Farias Guedes e Marcilio Toscano Franca Filho
O DIREITO DAS GENTES CONTRA A ESCRAVIDÃO EM PADRE ANTÔNIO VIEIRA
O UTI POSSIDETIS COMO CONTRIBUIÇÃO LATINO-AMERICANA AO DIREITO INTERNACIONAL 137 Marcos Pascotto Palermo e Alfredo de Jesus Dal Molin Flores

Política externa, soberania e direitos individuais dos estrangeiros: o epílogo do caso Battisti à luz de uma análise histórica da jurisprudência do STF (Supremo Tribunal Federal)
Artigos
LANGUAGE RIGHTS OF INDIGENOUS TRIBAL MINORITIES (ITM) AND THEIR PROTECTION UNDER THE AMBIT OF HUMAN RIGHTS LAW
Comentários ao Relatório da Comissão de Direito Internacional da Organização das Nações Unidas sobre norma imperativa de direito internacional geral (JUS COGENS)
A CONSTRUÇÃO DA CIBERSOBERANIA NA UNIÃO EUROPEIA: A CIBERSEGURANÇA E A INTEGRAÇÃO DO CIBERESPAÇO EUROPEU
A LEGAL ANALYSIS OF THE AIR DEFENSE IDENTIFICATION ZONE (ADIZ) WITH SPECIAL REFERENCE TO THE EAST CHINA SEA AIR DEFENSE IDENTIFICATION ZONE
LA TRANSPARENCIA DE LA FUNCIÓN PÚBLICA EN EL DERECHO CONSTITUCIONAL LATINOAMERICANO
Acordos plurilaterais e acordos de livre-comércio: encruzilhada ou caminho alter- Nativo aos acordos multilaterais de comércio?
DIREITO INTERNACIONAL HUMANITÁRIO E AS ARMAS AUTÔNOMAS LETAIS
Acompanhamento nacional do cumprimento das sentenças proferidas pela Corte In- teramericana de Direitos Humanos: um olhar para as experiências estrangeiras356

Maria Valentina de Moraes e Mônia Clarissa Hennig Leal

Deo Campos e Raphael Carvalho de Vasconcelos

STATE HUMANITARIAN POLICY OF UKRAINE IN WAR CONDITIONS IN A COMPARATIVE PERSPECTIVE
STATE SUPPORT FOR COMPATRIOTS: IMPROVING KAZAKHSTAN LEGISLATION
Resenha
RESENHA JOUANNET, Emmanuelle. Qu'est-ce qu'une société internationale juste? le droit international entre développent et reconnaissance. Paris: Pedone, 2011433 Ademar Pozzatti
Resenha BORDIN, Fernando Lusa. The analogy between states and international organiza-

Brazil and the 1919 peace negotiations: a newcomer among the greats*

O Brasil e as negociações de paz de 1919: um aprendiz entre os grandes

Paulo Roberto Almeida**

Abstract

After some huge funding loans at the end of the Monarchy and in early Republic, to consolidate old debt into new debt, the Great War represented a serious disturbance for Brazil's fragile economy: reduction of its exports (mainly coffee) to Europe and no one cent lent by Brazil's official bankers, the London Rothchilds, during the whole duration of the war. Brazil had a minor participation in the fights, either naval or terrestrial, having declared a state of war against the German Empire only in the second semester of 1917, with some naval patrols in the Atlantic waters and a "Brazilian hospital" in Paris, but most of the personnel sent to Europe succumbed to the Spanish flu at the end of the conflict. Brazilian participation in the peace conference was assured by an especial delegation, having at the head a prestigious envoy, Mr. Epitácio Pessoa, who was not only selected as presidential candidate, but also was to be elected while in Paris, without any campaign at home. Main issues in defense of Brazilian interests at the Paris Peace Conference were the payment of Brazilian coffee stocks in Hamburg and Trieste, retained by the central empires, and a financial or material compensation to be offered against German ships retained in Brazilian ports. Brazil signed only the Versailles treaty, was admitted in the League of Nations, but choose to quit the organization five years later, when Germany was elected to a post Brazil expected to be assigned for it.

Keywords: Great War; Paris peace negotiations; Brazil's delegation; Epitácio Pessoa.

Resumo

Depois de importantes empréstimos de consolidação ao final da monarquia e no começo da República, para aliviar a situação de sua dívida externa, a Grande Guerra representou uma enorme perturbação para a frágil economia brasileira: redução de suas principais exportações (sobretudo café) para a Europa e nenhum centavo emprestado pelos seus banqueiros oficiais, a casa bancária Rothschild, de Londres, durante toda a duração da guerra. O Brasil teve uma participação marginal no conflito, seja naval ou com forças terrestres, tendo declarado guerra contra o Império Alemão apenas no segundo semestre de 1917, participando com algumas patrulhas navais nas águas do Atlântico e a instalação de um "hospital brasileiro" em Paris,

* Recebido em 11/01/2022 Aprovado em 02/02/2023

** Doutor em Ciências Sociais; Mestre em Planejamento Econômico; diplomata de carreira; professor universitário. Diretor de Publicações no Instituto Histórico e Geográfico do DF.

Emails: pralmeida@me.com

mas a maior parte do pessoal enviado sucumbiu à gripe espanhola ao final da guerra. A participação do Brasil na conferência de paz foi feita por uma delegação especial liderada por um enviado de prestígio, Epitácio Pessoa, que foi não apenas escolhido como candidato presidencial em 1919, como foi eleito enquanto estava em Paris, sem jamais fazer campanha no Brasil. Os temas principais da delegação na conferência da paz de Paris foram a defesa dos interesses brasileiros na questão do pagamento dos estoques de café retidos pelos impérios centrais nos portos de Trieste e Hamburgo, bem como alguma compensação financeira ou material pelos navios alemães detidos nos portos brasileiros. O Brasil assinou apenas o Tratado de Versalhes, foi admitido na Liga das Nações, mas decidiu abandonar a organização cinco anos depois, quando a Alemanha foi eleita para a cadeira que o Brasil considerava que deveria ser sua.

Palavras-chave: Grande Guerra; negociações de paz de Paris; delegação do Brasil; Epitácio Pessoa.

1 Brazil before and after the Versailles Treaty: economics, rather than power politics

Starting with its "discovery" by Portuguese navigators in 1500 and up to the Independence in 1822, Brazil's integration into the world economy was essentially made through the "colonial pact," and as an exporter of commodities, especially of "dessert products" (sugar, and since from Independence, coffee and cocoa), as well as a few other products: cotton, rubber, iron ore, etc. Those basic goods, together with the current addition of soya beans, meat products and orange juice, still continue to be at the top of the list of Brazilian commodity supply to the world. Since the start of its nation-building, at the beginning of the third decade of the 19th century, Brazil has been chronically dependent on foreign financing, both for investments, and, especially, for financing the State, which has ever been a concern for a country without sufficient domestic savings. For the whole duration of the monarchical period (1822-1889), contrary to some of its South American neighbors, Brazil was a responsible debtor, even if resorting sometimes to funding loans. Starting with the Republic's loose federal system, it eventually turned into a ruined debtor, and remained so throughout the Great War. After the 1929 crisis and with the Depression in the 1930s, a technical moratorium on its foreign debts became inevitable.¹

The Great War represented a serious disturbance for Brazil's fragile economy. Despite a huge funding loan obtained shortly before the conflict, to consolidate old debt into new debt, the war caused a serious reduction of Brazil's exports (mainly coffee) to Europe and a complete halt - not a single cent - on lending to Brazil by its official bankers, the London Rothschilds, during the whole duration of the war.² Brazil had a minor combat role, either on land or at sea, having declared a state of war against the German Empire only in October 1917. Some naval patrols were sent to the South Atlantic waters and a "Brazilian hospital" was established in Paris. Many among the military personnel sent to Europe fell victim to the Spanish flu epidemics before seeing action - which would have been at the end of the conflict, anyway. The Spanish flu swept the globe in 1918-1919 and in a few months made more victims than the total number of battlefield deaths during the war. Estimates range from approximately 20 to 50 million deaths worldwide, making it one of the most devastating public health crises of recent history.

One of the most interesting memorialists among Brazilian diplomats, Heitor Lyra, a historian by training, with a long trajectory in the Foreign Service – from 1916 to 1958 –, and distinguished author of many works on Brazilian diplomatic history, presents a more colorful picture of the Brazilian decision to declare war against the Central Empires, more specifically against Germany, which took place soon after the replacement of a "Germanic" Foreign minister in the Brazilian chancery, known as Itamaraty:

> When Lauro Muller left [the Foreign Ministry], on May 3rd, 1917, he was replaced by Nilo Peçanha, governor of the state of Rio de Janeiro state, who was assigned to Itamaraty two days later. This appointment, by the way, had no other significance than to bring Brazil into war against Germany [...]

> Together, in this manner, with the war program that he brought, he ordered, a month after taking office, the "fiscal possession" of the German ships docked in our ports; and revoked, at the same time, our neutrality in the war in favor of the United Sta-

¹ CARVALHO, Carlos Delgado de. *História diplomática do Brasil* (1959). 3. ed. Brasília: Senado Federal, 2016. passim.

² BARRETO, Fernando de Mello. *Os sucessores do Barão:* relações internacionais do Brasil, 1912-1964. São Paulo: Paz e Terra, 2001. passim.

tes of America. Shortly thereafter, he extended this measure to other Allied countries. And, three months later, the state of war was proclaimed.

It was, by the way, a *drôle de guerre*, which remained, for us, little more than ink on paper. Because it was declared at the final phase of the hostilities, only to pay lip service to a *League for the Allied*, we barely had time to prepare our disjointed Fleet, which crept through the seas towards the European *naval theater*... [but] didn't arrived [on time]: it was caught by surprise, near the port of Dakar, by the Spanish flu, that decimated a great share of our troops, delayed its march – enough time for the fight to end with the allied forces' victory, without time to allow our participation in it.³

Indeed, only in a few places the pandemic was as deadly as among the Brazilian fleet sent to the coast of Senegal. In Dakar, the cemetery still has the graves of the more than a hundred Brazilian soldiers (over one--tenth of the entire crew) who succumbed to the flu outbreak. The reports of that experience make a grim reading and describe one of the most tragic episodes in the history of the Brazilian armed forces.⁴

Nilo Peçanha remained only one year at the head of Itamaraty, being replaced by a career diplomat, Domício da Gama, a former assistant to the great Baron of Rio Branco (1902-1912, who served under four presidents), and a long time ambassador in Washington (from 1911 to 1918, and the only ambassador that belonged to the professional staff at that time), where he made many goods friends, among them Robert Lansing, Wilson's Secretary of State, the Undersecretary Frank Polk, and even Wilson himself, through his friend, Colonel House, alter ego of the American president.⁵ As both Great Britain and France - or, perhaps, Lloyd George and Clemenceau - converged on the idea that the presence of countries such as Brazil should be very limited, under the correct assumption that our participation in the actual war effort was indeed limited, Brazil's role in Paris was only secured thanks to Domício's friends in the American government.⁶

Brazil participated in the peace conference with an important delegation, headed by a prestigious envoy, Mr. Epitácio Pessoa, who was not only to be selected as presidential candidate shortly thereafter, but would even be elected while in Paris, without campaigning at home.7 Other members of the Brazilian delegation were João Pandiá Calógeras, deputy head, who was an eminent intellectual, political figure, and future minister of the War (Army); Olyntho de Magalhães, Brazilian minister in Paris; Raul Fernandes, a distinguished jurist; Rodrigo Octavio de Menezes, a professor of International Law in Rio de Janeiro; two senior military officials (Army and Navy) and some other diplomats.8 One of the first cables from the Delegation to Rio de Janeiro, after Pessoa and other members arrived in Paris (January 28), complained about the meagerness of their accommodations in Paris, and the lack of automobiles, alluding to the more than 25 new cars at the service of the American delegation.9

Key Brazilian interests at the Versailles Peace Conference were the payment for Brazilian coffee stocks in European ports, held by the Central Empires, and a financial or material compensation to be offered against German ships seized two years earlier in Brazilian ports.¹⁰ Brazil signed the Versailles treaty, and joined the League of Nations, but choose to leave the organization five years later, when Germany was admitted as a permanent member of the Executive Council, a position Brazil expected to be assigned for itself. This is the general framework within which Brazilian participation in the Paris peace negotiations must be analyzed: besides building up political prestige, the main objectives were of an economic nature: the first one grounded on the real, and unique strength of the Brazilian economy, that is coffee, the second one related to our main predicament, finances and foreign capital.

³ LYRA, Heitor. *Minha vida diplomática*. Brasília: UnB, 1981. v. 1. p. 45.

⁴ VINHOSA, Francisco Luiz Teixeira. *O Brasil e a Primeira Guerra Mundial:* a diplomacia brasileira e as grandes potências. Rio de Janeiro: Instituto Histórico e Geográfico Brasileiro, 1990. p. 87.

⁵ LYRA, Heitor. *Minha vida diplomática*. Brasília: UnB, 1981. v. 1. p. 87.

⁶ SMITH, Joseph. *Unequal giants:* diplomatic relations between the United States and Brazil, 1889-1930. Pittsburgh: University of Pittsburgh Press, 1991. p. 55.

⁷ GABAGLIA, Laurita Pessoa Raja. *Epitácio Pessoa (1865-1942)*. São Paulo: Livraria José Olympio Editora, 1951. v. 1. p. 225.

⁸ BRASIL. Câmara dos Deputados. *Mensagens presidenciais (1919-1922):* Delfim Moreira e Epitácio Pessoa. Brasília: Centro de Documentação e Informação, 1978. p. 185.

⁹ PESSOA, Epitácio. *Obras completas:* Conferência da Paz, diplomacia e direito internacional. Rio de Janeiro: Instituto Nacional do Livro, 1961. v. 14. p. 15.

¹⁰ BRASIL. Ministério das Relações Exteriores. *Guerra da Europa:* documentos diplomáticos, atitude do Brasil. Rio de Janeiro: Imprensa Nacional, 1918. p. 45.

2 Direct and indirect impacts of the Great War on Brazil

A little more than a century ago, Brazil was coffee and coffee was Brazil (indeed since the middle of the 19th century, and it so remained for the most part of the 20th). The main source of state revenue were foreign trade tariffs, including a tax on coffee exports, but starting with the Republican Constitution (1891) federal receipts were based on import taxes, while states retained or could introduce tariffs on exports (thus, the relative "riches" of São Paulo, the main coffee producer in the federation, allowing it to pay for the "importation" of immigrants). For a while, from 1870 to 1913, the booming rubber exports from the Amazonia region was also an important provider of foreign exchange, until the Malaysian production, developed by the British with the use of Hevea brasiliensis seeds from Brazil, displaced Brazilian rubber in the most important markets. Brazil's main trade partners were, of course, European countries, first of all United Kingdom, followed by Germany. But United States was, since the end of the Civil War, the biggest importer of Brazilian coffee and also of its rubber. Financing, both for the central government and for direct investments and infrastructure works (mainly railways), was assured by UK bankers and investors; Brazilian bonds used to sell relatively well, and the London Rothschilds became exclusive representatives of the Brazilian Treasury from the second half of the 19th century up to the 1930s.

Ten years before the Great War, Brazil offered one innovation to the English economic vocabulary, the concept of "valorization", the outcome of an economic pact among most the important coffee producing states - São Paulo, Rio de Janeiro, Minas Gerais -to retain huge amounts of excess production, stocks that had to be financed by a foreign emission and a supplementary tax on its exports. As the Rothschilds bankers refused to finance such a distortionary device, and Brazilian planters had to resort to American banks in New York to sustain the anti-competitive scheme. Brazil supplied, then, almost 4/5 of the world's supply of coffee, and that position allowed the producers to use their market power to increase prices (Colombia, still developing its coffee plantations, and thus unable to compete with Brazil in volume, started to leverage the quality of its yields, a strategy that returned higher prices, albeit only a few cents, for its produce in the New York exchange).

Later on, Brazil was sued in New York tribunals for this kind of unfair maneuvers.

This occurred about the same time when financial markets suddenly closed for Brazil and other peripheral borrowers, with the start of the Great War, in August 1914. They would not be open again until 1919, but a big funding loan had been concluded shortly before the debacle (amounting to 13,7 million pounds). For almost a century, since its first loan agreed with London bankers and businessmen, in 1824, Brazil had depended on foreign financing to cope with its State expenditures, including interests of old debts, and some investments in transportation and urban improvements. Most often, those investments took the form of Public-Private Partnerships (PPP), where a company, usually established in London, would have a guaranteed yearly return of 6%, almost the double of the normal rates practiced in central capitalist countries. Brazil had previously contracted a huge funding loan in 1898 (8.6 million pounds), that is, a consolidation agreement exchanging various former bonds for new debt titles, putting forward payment of principal, and interests funded by the receipts of Rio customs. After a new one before the war, there would be no more relief for Brazil in capital markets, which represented a tremendous challenge for the Brazilian economy. Compounded with the closing of some commodity markets in continental European countries, that would be one of the most pressing problems for the economic authorities.11

The outbreak of the Great War in August 1914, and the naval battles that ensued, brought in a serious disturbance to bear upon maritime communication lines, as Imperial Germany had built a war navy almost as powerful as that of old Britain. In the course of events, German U-boats sank almost 5,000 ships with nearly 13 million gross register tonnage. Later on, the Royal Navy regained some form of control over the Atlantic and North Sea waters, but commercial transportation was seriously affected by the unforeseen performance of the German U-boats. In addition to some coffee in the German North Sea ports, even stocks in the Mediterranean, in Trieste, were blocked by the central empires, in this case by Austro-Hungarian control of that city.¹² Brazil lost an important portion of its coffee sa-

¹¹ VINHOSA, Francisco Luiz Teixeira. *O Brasil e a Primeira Guerra Mundial:* a diplomacia brasileira e as grandes potências. Rio de Janeiro: Instituto Histórico e Geográfico Brasileiro, 1990. p. 37.

¹² BRASIL. Ministério das Relações Exteriores. Guerra da Europa:

les abroad, even to the American markets, which also experienced some cuts. After a century of domination of its foreign trade by Great-Britain, Germany had become an important, and growing, market for Brazilian products, adding in the new partnership some financing and a few direct investments in industry and trade. Other European markets were also engulfed in the continental conflict, adding to Brazil's losses.

At the domestic political and cultural level, Brazilian intellectuals and politicians engaged in a fierce and passionate debate about which side the country should take in the conflict. Most people in the Brazilian elite, for obvious raisons, expressed sympathy to the Allied cause, especially towards Belgium and France, since Brazilian travelers enjoyed disbursing their "mil-reis" (in principle a convertible currency) in Parisian cabarets. Some others sided with Germany, though few expressed openly positive feelings for that cause. In 1915, Ruy Barbosa, former Finance minister at the beginning of the Republic, delegate to the Second Hague Peace Conference (in 1907), became the president of Brazilian League for the Allied. One year later, in July 1916, in a famous speech as Brazilian envoy to the centennial anniversary of Argentinian independence, Barbosa insisted that Brazil could not remain neutral after the invasion of Belgium by German troops. He remains, up to this day, one of the most important doctrinaires in Foreign Policy, and his lessons, articles and speeches, together with those of the Baron of Rio Branco (Foreign minister from 1902 to 1912), are an integral part of the Brazilian contribution to International Law, a kind of Brazilian Weltanschauung in diplomacy and foreign matters.13

One of the victims in the dispute between "Germanophiles" and "Francophiles" was the minister of Foreign Affairs himself, Lauro Muller, of German descent, who had to renounce the post after Brazil declared cessation of diplomatic relations with the German Empire, in April 1917. Most important, the Germans helped to push Brazil towards the Franco-British alliance with their torpedoes directed against Brazilian ships, both freight and passenger carriers, when Brazil was still officially neutral. After a long overdue decision, a state of war was declared, in October 1917, and a protracted and modest supportive force was sent in two modalities: a small navy taskforce in charge of patrolling South Atlantic waters (around Cape Verde) and a Brazilian medical battalion sent to France, but arriving just at the end of field battles (yet still providing much-needed relief for the gas and bombing victims, by means of the *Hôpital Brésilien*, in Paris).

On the whole, the Great War involved substantial commercial and financial losses for Brazil, even if the participation in actual war travails was almost ineffectual. The country's involvement in the Paris peace negotiations, in 1919, was enthusiastic. Brazil obtained modest compensations for its coffee stocks retained in European ports, as well as in relation to the German ships blockaded in Brazilian ports, which were, for some part, delivered to France before the end of the conflict. The Europeans powers, themselves, were actively engaged in squeezing Germany of all kinds of its assets, and Brazil was not so important a belligerent to be given a place at the main table.

But there were also indirect effects of the Great War for Brazil and for many other countries. Consequences of the war were not limited to the military or commercial domains; they were critical in the economic field as a whole. Besides the brutal interruption of financial links, of the almost free flows of goods, capital, payments and even people, the war "administration" changed irrevocably economic policies, public finance, monetary patterns, not to forget the nationalization of domestic and foreign properties. Inflation and public debt gathered strength during the war and were never driven out of the terrain of the distorted public policies that followed. Direct state intervention in the productive sector also started for good, in almost every country engaged in the war, including in distant states such as Brazil. The world would never be the same again, as new doctrines and economic conceptions opened the door to "innovations" in political and social ideas, notably fascism, communism, as well as other collectivist experiments. Brazil was also contaminated by the corporatist appeal of the interwar period, reflected in the Vargas dictatorship of the "Estado Novo" (1937-1945).

Material losses and overall costs of the war were of course important, but the change in mentalities also generated new perceptions, transferring those new ideas to the realm of governance. In Brazil, protectionism, interventionism, *dirigisme*, picked up from a modest le-

documentos diplomáticos, atitude do Brasil. Rio de Janeiro: Imprensa Nacional, 1918.

¹³ CARDIM, Carlos Henrique. A raiz das coisas: Rui Barbosa, o Brasil no mundo. Rio de Janeiro: Civilização Brasileira, 2007.

vel during the 19th century and the beginning of the Republic, and acquired a new vigor. Nationalism was reinforced, preference for Brazilian products followed the need to develop domestic industries, to supply manufactures no longer coming from Europe. Military intervention in political affairs began or intensified in the post-war period, starting in the early 1920s, and was to go on recurrently up to the 1980s. If militarism receded afterwards, nationalism, interventionism and protectionism never faded away since then. Internal market, state guidance, corporatism became ingrained in Brazil, acquiring a legitimacy that persists up to our days.

3 Brazil's participation in the Paris peace negotiations: prestige, coffee and ships

Brazilian bilateral trade with Germany was practically paralyzed in the first months of the war, due to the maritime blockade exerted by the Allies, but Brazil maintained its neutral stance. It was the "black lists" (Statutory List) imposed by Great Britain that inflicted significant losses on the Brazilian trade relations with the continent, even more so because of the British classification of coffee as a "superfluous" good in the context of war restrictions. In 1915, Ruy Barbosa was inaugurated as the first president of the Brazilian League for the Allies: the League thought that a Brazilian participation in the war would increase its exports of foodstuffs and other primary products to them. Foreign minister Lauro Muller still insisted on neutrality, but a German U-boat torpedo that sunk a Brazilian ship in April 1917 also provoked the dismissal of Muller and the Brazilian decision to enter into war against the Central Empires.¹⁴

Brazilian military involvement in the war had no major significance – a naval taskforce reached Gibraltar on the eve of the Armistice, after plenty of troubles in the Atlantic trip –, but, together with the Brazilian Hospital installed in Paris, it served to justify Brazilian demands to be an active participant of the peace talks on the basis of president Wilson's 14 points and Brazil's clear support for his proposal of a League of Nations. American support was decisive in the acceptation of a Brazilian delegation in the peace talks, albeit limited to three delegates, compared to five, in the case of great powers (United States, France, Great Britain, Italy and Japan), not to mention the more vexing disappointment represented by the distinction made by them between "powers with general interests", and the lesser powers, with only "limited interests".¹⁵

At the beginning, the name of the great international legal scholar Ruy Barbosa was mentioned as the suitable Brazilian head of delegation for the Paris peace process, almost immediately after the armistice of November 1918 was signed, as his many titles justified the choice: notable jurist, counselor during the Empire (even though he was a monarchist, himself, he supported the Republic because of his "federalism", as opposed to the unitarian structure of the monarchical regime), the first Finance minister of the Republic, diplomatic envoy in short term "embassies", senator and three times presidential candidate.¹⁶ Nevertheless, Barbosa refused to travel to Paris because he was in bad terms with the Foreign minister Domício da Gama (who, by the way, also aspired to be appointed by the president), but also because the appointed deputy head of the delegation would be a colleague from the Senate and former Supreme Court judge, Epitácio Pessoa, who had somewhat endorsed federal intervention in Barbosa's native state of Bahia, in the context of regional uprisings during the First Republic.17

The choice was then made by the President Rodrigues Alves (inaugurated in November 1918, returning to office many years after a previous presidency) in the person of that same jurist, Epitácio Pessoa, who possessed as many titles as Barbosa: representative of his North-East state of Paraíba at the first republican Constitutional Assembly (1890-91); professor at the Law School of Recife (1891-98); Justice minister (1898-1901); attorney general and Supreme Court judge (1902-12), author of a first Brazilian Code of International Public Law, but also of controversial rulings on the occasion of the Union's intervention in Bahia (which aroused Barbosa's ire against his inaction); after that a long term senator (1912-19) and again in 1924-1930, at the same time as he acted as judge at the International Permanent Court

¹⁵ NICOLSON, Harold. *Peacemaking 1919*. London: Constable, 1933. p. 34.

¹⁶ CARDIM, Carlos Henrique. A raiz das coisas: Rui Barbosa, o Brasil no mundo. Rio de Janeiro: Civilização Brasileira, 2007. p. 39.

¹⁴ CARVALHO, Carlos Delgado de. *História diplomática do Brasil* (1959). 3. ed. Brasília: Senado Federal, 2016. p. 228.

¹⁷ GABAGLIA, Laurita Pessoa Raja. *Epitácio Pessoa (1865-1942)*. São Paulo: Livraria José Olympio Editora, 1951. v. 1. p. 87.

of Justice in Hague; among many other achievements as Congressman, he was the rapporteur of the 1916 Brazilian Civil Code.

Two ironies concerning these two distinguished Brazilian personalities must be recorded here. First, Pessoa and delegates embarked, on January the 2nd, 1919, on the new Brazilian Lloyd "acquisition", the ship *Curvelo*, formerly known as *Bremen*, a German freight ship seized, among some seventy others, soon after April 1917, when Brazil, a few months before entering the war, severed diplomatic relations with the German Empire. The question of the allocation of German ships apprehended (not confiscated) by Brazil was to be one of the central issues of the delegation in Paris, together with the payment for the coffee held in European ports, both with frustrating practical results, even if some formal acquiescence from the major powers was obtained.

Almost immediately a second surprise intervened: in a January 26 layover in the port of Lisbon, they were informed of the untimely death (January 17) of Brazilian president Rodrigues Alves, at the very start of negotiations. A few weeks later, Pessoa was handpicked by the oligarchic Republican leaders to be their presidential candidate, notwithstanding his Parisian mission. For the opposition, Ruy Barbosa presented himself for the fourth time: his historic "civilist" campaign in 1910 was deemed a "moral victory", but he lost to an Army Marshal in rigged elections. Not surprisingly, Pessoa, without abandoning the conference, was elected on April 13 to be the new Brazilian president for the remaining three years of that period, until November 1922. He was the sole Brazilian president to be elected without never campaigning, and without even being in Brazil, a detail that made no difference at all, consistent with the prevalent pattern of "fake" elections in Brazil's political traditions of the old patrimonial first Republic.

Already being in Paris for the opening of the Conference, on January 18, Pandiá Calógeras, deputy head of the Brazilian delegation, reacted almost immediately to the first article of the Regulations, establishing a difference between the powers with "general interests" and those with "particular interests", to be admitted only in the sessions about which they could effectively have direct interest. Arguing with his European counterparts, Calógeras tried to demonstrate, how "illogic [it was to] proclaim the principle of the League of Nations, based on the equality of all Nations according to the Law, and to deny it in its application".¹⁸ Nevertheless, Foreign minister Domicio da Gama obstructed any opposition to this unequal treatment, seeking not to enter into a political skirmish against his American friends. In a cable to Paris, he stated that the main responsibility was an attribute of the winners, and that the main interests of Brazil in the conference could suffer in case of an early challenge related to procedural questions.¹⁹

In a second cable to Rio de Janeiro, after his late arrival in Paris, Pessoa renders a record of his meeting (February 1st) with Georges Clemenceau, the French chief delegate, who didn't hide his differences with the Americans in connection with the organization of the League of Nations. He also gives his "general impressions" of the Peace conference, where the presence of minor powers and declared "democratic principles" served only to give a "liberal feature" to the whole exercise:

> The general impression here is that all will be decided exclusively by the Five Great Powers according to their interests or individual viewpoints, as the presence of small nations will only serve to confer a liberal appearance to the conference. I am still excited by the hope of obtaining something out of the agreement of France, whose dispositions Olyntho [de Magalhães, Brazilian ambassador in Paris] and Calógeras see as hostiles. It would help if you cabled to Lansing [the U.S. Secretary of State] to have Wilson read our briefs in order to support our positions.²⁰

At the first meeting of the Commission in charge of drafting the project for the League, Pessoa witnessed an alternate draft being presented to compete with the original Wilson proposal – that of an Executive Council made up of delegates from major States and some other representatives from the small states – by Cecil Rhodes, from Great Britain, who preferred just five delegates from the Great Powers, and representatives of other countries only if the issues being considered by the Cou-

¹⁸ SIMONSEN, Roberto *et al. Calógeras na opinião de seus contemporâneos.* São Paulo: Siqueira, 1934. p. 66.; Diario de Calógeras; apud GARCIA, Eugenio Vargas. *Entre América e Europa:* a política externa brasileira na década de 1920. Brasília: Editora da UnB-Funag, 2006. p. 53.

¹⁹ BRASIL. Diplomatic Historical Archives of the Brazilian Foreign Ministry (AHD-Itamaraty), in Rio de Janeiro. *Series Paris Peace Conference* (273, 2, 08-11).; Minister Da Gama dispatch January 23rd; apud GARCIA, Eugenio Vargas. *Entre América e Europa:* a política externa brasileira na década de 1920. Brasília: Editora da UnB-Funag, 2006. p. 54.

²⁰ BRASIL. Diplomatic Historical Archives of the Brazilian Foreign Ministry (AHD-Itamaraty), in Rio de Janeiro. *Series Paris Peace Conference* (273, 2, 08-11).; Cable n. 6, February 1st, 1919; From Pessoa to Foreign Minister Domício da Gama.

ncil could have some direct interest to them. That was too unbalanced, if not a mockery, from the view point of the Brazilian delegates. Following the precedent of Ruy Barbosa at Hague II, Pessoa defended the principle of equality of status for all States. The new project was approved by middle February and presented in a plenary session by Wilson himself: the future Council would be composed of five delegates from the Great Powers, plus four temporary representatives of small states, to be elected by the Assembly. Pessoa cabled immediately to the foreign Minister, suggesting a *démarche* toward the American Ambassador in Rio, asking him to contact Lansing and Wilson to obtain a place for Brazil in the forthcoming designation as one of four nations with "intérêts particuliers" in the first Executive Council.²¹

Together with Brazil, effectively supported by the Americans, the three other countries elected to the first Council were Spain, Belgium and Greece.²² Among the most pressing issues for Brazil, the coffee from São Paulo retained by the Central Powers, and the German ships seized by Brazil in 1917, the first had only a minor importance for European powers, while the second had a more complex treatment, because of their value as assets to be counted in the reparations. As for many other subjects of its central or secondary interests, the Brazilian delegation endeavored to obtain the support of the American delegation, in order to overcome the disdain or resistance from France and Great Britain regarding its concrete objectives. A kind of asymmetric alliance - in fact, a practical dependence - started to be established between the United States and Brazil following the years of an "unwritten alliance", said to be informally inaugurated during the Rio Branco years (1902-1912) -, which would be reinforced at the inter--war period, and further strengthened during and immediately after World War II, when a sort of "Americanization of Brazil" endured for the first twenty years of the Cold War, ending, paradoxically, in frustration during the right-wing military regime (1964-1985).

The Brazilian Foreign minister, Domício da Gama, expressed his satisfaction to Pessoa with this first "victory" by the sole South American country involved in the war. He also sent a letter to Secretary of State Robert Lansing to thank him for the American support for the Brazilian objective, stressing the need for an "implicit understanding", between the two largest countries of the Hemisphere, which for the Brazilian minister would be preferable to a formal agreement or alliance:

> As you know, an understanding is almost always better than an alliance or an association under precise terms. It covers a larger domain, is comprehensive and flexible ('elastic'), and, more honorable in its absence of other obligations than those of a moral nature, connected to esteem and reciprocal trust. I believe that this is easy and natural, either for Brazil or the United States. I also believe that Brazil has a satisfactory position in the world, which we owe in a large part to the consideration of our friends towards our national and international policies.²³

The relationship between the two delegations went beyond this kind of general political matter. The fact is that even though most of its pressing interests were on the fringes of the peace conversations, the Brazilian delegation had to, with the help of the American Big Brother, bring home positive results for its general and specific political objectives: not only to be diplomatically recognized as a respectable nation, desiring to be involved in issues of war and peace among the Great Powers, but also to find a satisfactory solution to the two single most important economic subjects penned in the memorials in respect of which Pessoa wanted the attention of Lansing and even Wilson: the payment for the Brazilian coffee quarantined in European ports, and German ships kept in custody by Brazil for almost two years. In fact, beyond the initial questions of procedure and diplomatic representation, the whole set of Brazilian claims against Germany was much larger, as presented in a research work of one of the best-known Brazilian historians specializing in this period of Brazilian diplomatic history, Eugenio Garcia:

> The Brazilian government was planning to obtain the definitive regularization of its main contentions arising from the state of war. For Domício da Gama, those questions should be treated and resolved as early as possible, not depending on the resuming of relations with Germany, 'because our position would be less solid then'. Brazil expected to collect from Germany indemnities related to: a) expenditures by the Brazilian fleet in the Atlantic (Naval Division in War Operations) and other expen-

²¹ BRASIL. Diplomatic Historical Archives of the Brazilian Foreign Ministry (AHD-Itamaraty), in Rio de Janeiro. *Series Paris Peace Conference* (273, 2, 08-11).; Cable n. 61, Feb. 12.

²² UNITED STATES OF AMERICA. Library of Congress. *Treaty* of *Versailles*. Text in English. Available at: https://www.loc.gov/ law/help/us-treaties/bevans/m-ust000002-0043.pdf. Access in: June 4, 2019. Article 4.

²³ GARCIA, Eugenio Vargas. Entre América e Europa: a política externa brasileira na década de 1920. Brasília: Editora da UnB-Funag, 2006. p. 68.

ses of the Navy, with a total amount of 3,686,000 pounds; b) ships apprehended or sunk before the war declaration, causing some 462,000 pounds in costs to Brazilian Lloyd; c) indemnities to parents of Brazilian sailors dead or wounded serving in ships sunk before and after the breaking of diplomatic relations; d) charges related to the preparation for war, including the reimbursement of 500,000 pounds paid in advance to Krupp; and e) various. The total amount that Brazil was considering claiming [from Germany] would attain the impressive amount of 20 million pounds as indemnities. The Brazilian delegation, however, had no opportunity to discuss in detail all these claims, a complex and controversial issue that would be transferred to the competence of the Reparation Commission, after the conclusion of the conference. Coffee and ships would be, in fact, the main questions which would retain the attention of the Brazilian delegates to the Peace conference.24

A brief description of those two issues have to be made, because they were at the center of the concerns of the Brazilian government. But, before entering into the details of the negotiations by the Delegation in Paris, a first remark must be advanced as regards the different conceptual understanding of the issues. The Brazilian government in Rio de Janeiro considered that a good deal could be made if Germany kept the sum of the coffee stocks retained in Europe, and Brazil took possession of the ships. Epitácio Pessoa, for his side, disagreed since the beginning with that conception. As a jurist and professor of Law, his advice was that the two questions should be dealt with separately, because they were, from both a legal and a factual standpoint, independent in nature and not correlated in principle. The value of the coffee retained should be paid in full, and with interests; the value of the ships seized should be subject to a balancing of accounts, bearing in mind the value of the two Brazilian merchant ships torpedoed by the Germans.

At the beginning of the war, the main producer of coffee in Brazil, the state of São Paulo, possessed almost two million sacks in stock in the ports of Hamburg, Bremen, Antwerp and Trieste, which served as a collateral for loans contracted earlier with four European banking houses: J. Henri Schroeder, from London; S. Bleischroeder, from Berlin; and Société Générale and Banque de Paris et des Pays Bas. Those stocks were seized, and almost sequestered by the Central Empires, which led São Paulo to sell all of them to the Berliner banking house Bleischroeder, for a total amount of 125 million gold marks; that value was later blocked by Germany, announcing that the deposit would be immobilized until the end of the war. At the Paris conference, Brazil tried hard to receive the entire amount, plus interests, at the exchange rate in vigor at the moment of the sale contract. This was crucial for Brazilian negotiators, as the Reich mark, with a parity of 700 Brazilian reis at that time, was valued less than 80 reis in 1919.

Unhappily for them, Brazil was not represented at the Financial Commission, which was to debate the question of German arrears. A first advice on the matter stated that the matter was of a private nature, and thus, should be discussed between the state of São Paulo and the house Bleischroeder. A second approach resulted in a still worse situation, as the amount owed to Brazil should be incorporated to the war payments Germany would be obliged to pay for the ensuing 30 years, in annual instalments divided among the parties in the agreement, in proportion with their respective losses. Pessoa insisted on a legalist argument: that the amount owed to Brazil was related to legitimate assets existing before the war, without any connection to losses thereafter incurred, never transferred to Germany by any decision related to the conflict, and should not be included in values to be spread among war belligerents; the case was to be treated as the restitution of a deposit, not as damage reparation.

The situation was discussed again in the Financial Commission, and after many other *démarches* and *allers et retours*, with Brazilian delegates always in contact with American partners, at that juncture the U.S. Treasure representative Norman Davis, a final decision was inserted in an article of the Versailles treaty, but without an explicit reference to gold marks, as follows:

ARTICLE 263

Germany gives a guarantee to the Brazilian Government that all sums representing the sale of coffee belonging to the State of Sao Paolo in the ports of Hamburg, Bremen, Antwerp and Trieste, which were deposited with the Bank of Bleischroeder at Berlin, shall be reimbursed together with interest at the rate or rates agreed upon. Germany, having prevented the transfer of the sums in question to the State of Sao Paolo at the proper time, guarantees

²⁴ Cable from Gama to Magalhães, December 28, 1918, apud GAR-CIA, Eugenio Vargas. *Entre América e Europa:* a política externa brasileira na década de 1920. Brasília: Editora da UnB-Funag, 2006. p. 56.

also that the reimbursement shall be realized at the rate of exchange of the day of the deposit. $^{25}\,$

In the following years, the question of the exact rate of exchange and the transfer of the amount from Berlin to London was kept in the bilateral agenda between Brazil and the new Republican government of Germany, without an immediate solution, due as well to the fact that payments to Brazil remained a lower priority, in face of all other commitments held in favor of the direct targets of German aggression. In the end, Germany finally paid to the state of São Paulo the 125 million gold marks, converted into sterling pounds, at the exchange rate of the deposit date.²⁶

The question of the German ships was tackled in another framework, also with some difficulties in relation to Brazilian expectations and the crude realities of the bargaining procedures followed by the main contestants in a tough competition for the German assets. The initial move was the arrest of some 70 ships docked at various Brazilian ports in April 1917, as a measure of "police and security", not of confiscation, as stated in a message delivered to the Congress in May 26. Those ships represented a considerable tallying to the Brazilian fleet at that moment:

> Brazil counted at that time with a merchant fleet of 169 ships of high seas, with a total of 297,800 tons, of which 63 were owned by the Brazilian Lloyd, 23 belonged to the Company of Trade and Navigation, twenty to the National Company of Coastal Navigation, and the rest to small companies. German ships arrested represented thus more than a quarter of Brazil's merchant fleet.²⁷

The following June, two presidential decrees authorized the use of those ships, with the Brazilian flag. Responding to a protest by the German government, represented at that moment by the Netherlands legation in Rio, Brazilian authorities argued that those seized ships "could serve as a reparation of injured interest", if needed. After the declaration of the state of war between the two countries, those ships could be declared "battle prey", as in the case of Portugal, recognized by the Conference as a legitimate owner of a certain number of German ships apprehended; Brazil, nevertheless, preferred to keep the former status, for "absolute respect for private property", and at the end of the hostilities could no more resort to the same argument.

The first proposal by the Brazilian delegation suggested a reasonable indemnity to the shipowners, as assessed at the moment of the seizure, to be paid later, in a balance of respective accounts. The Conference opposed such an outcome, and the Financial Commission decided in favor of all German merchant vessels being distributed among the Allies, in proportion of their maritime losses, excepted those submitted to Prizes courts or used by the United States. This represented a big disappointment for the Brazilian delegation, since their maritime losses had been negligible indeed. Pessoa complained (April 25) against this decision; but all his efforts were in vain, as the Council of the Four rejected his remonstration; this new "council" was created only in late March, to try to speed up the complicated deliberations in plenary or commissions. Two weeks later, a protocol presented by Wilson and Lloyd George to deal with the apportioning of German ships among the nations - in proportion of the verified losses of each one - was approved against the opinion of France. A Reparations Commission would have full power to proceed with the distribution, after collecting all information available about the "existing enemy vessels, captured, seized or retained by any of the allies or associated during the war".

The French, who had earlier (December 1917) leased some 30 of the German ships apprehended in Brazil, declared their willingness to buy those ships, but, later, at the Conference, also offered to renew the existing arrangement. The delegation tried to use this disposition as a "proof" that France recognized some kind of Brazilian property over the crafts. Pessoa was personally favorable in the selling of the ships to the French, in order to use those proceeds to buy new vessels adapted to Brazilian ports. Though, in a new surprising move, the French declared that they could not pay in cash the full amount, inducing Pessoa, already in his quality as president-elect, to look for another opportunity with a New York freight company. No solution emerged from either side, and the French continued to protract any definitive solution, sometimes dealing directly with Brazil, other times mentioning the Reparations Commis-

²⁵ UNITED STATES OF AMERICA. Library of Congress. *Treaty* of *Versailles*. Text in English. Available at: https://www.loc.gov/ law/help/us-treaties/bevans/m-ust000002-0043.pdf. Access in: June 4, 2019.

²⁶ PARDELLAS, Carlos Alberto Pessoa. *Epitácio Pessoa:* na Europa e no Brasil. Brasília: Funag, 2018. p. 344.

²⁷ Report of the Brazilian Foreign Affairs Ministry, 1918, p. 66-71.; NAVY MINISTRY. *História naval brasileira*. 1985. v. 5. t. 2. p. 246; apud GARCIA, Eugenio Vargas. *Entre América e Europa*: a política externa brasileira na década de 1920. Brasília: Editora da UnB-Funag, 2006. p. 57.

sion, as a possible partaker in the affair; the leasing was renewed twice, until 1921; after that, a bilateral commission decided for the devolution of the remaining ships to Brazil, the less desired solution for this country.

4 Paris was not a moveable feast for Brazil, up to the end in Geneva, in 1926

As president elect, Pessoa left Paris as soon as he could. In fact, before returning to Brazil, at the end of July, and as a consequence of his vigorous, but amiable, performance during the negotiations, he received a number of invitations from the governments of Belgium, Italy, the United Kingdom, the Netherlands, Spain, Portugal, the United States, Canada, Peru, Chile, and Argentina.²⁸ He could only accept the visits to Belgium - King Albert would come to Brazil in 1920 -, Italy (and an interview with the Pope in the Vatican), after a return to France (to receive the Legion d'Honneur offered by president Poincaré), before going to meet George V in England and, eventually, while in Europe, a brief layover in the young Republic of Portugal. Crossing the Atlantic, and with Wilson still in Paris, Pessoa was received by the vice-president Marshall in Washington, and paid a two-day visit to Canada.²⁹

In his last, long, cable (n. 91, June 2nd) to the Foreign Minister, before leaving Paris, Pessoa made a thorough summary of his accomplishments in the framework of the peace negotiations.³⁰ Starting by declaring that, in the treaty proposed by Allies, and "due to it being signed by the Germans," Brazil's "reclamations" were "duly attended," Pessoa signaled his personal efforts to have the question of coffee retained in European ports inserted in a specific clause in the Treaty, stating that the due amount would be paid at the exchange rate at the time of sale, "with interests of 5%, counting from that date," a detail not inscribed in the Article 263 (actual wording in the official version of the Treaty only says: "shall be reimbursed together with interest at the rate or rates agreed upon").

As regards the question of the ships, Pessoa recognizes that the issue was "much more complex," due to the "significance of the act stated by the Brazilian government at the moment of apprehension".³¹ He takes that opportunity of a final "report" to make a comparison between Brazil and other affected parties in connection to the matter of the total tonnage lost among maritime vessels, with an implicit understanding that the German ships apprehended by Brazil would be incorporated into the Brazilian fleet:

> [...] England lost about 8 million tons and captured only 500 thousand; France lost 900 thousand and caught only 45 thousand; whereas Brazil lost 25 thousand and apprehended 232 thousand [...] United States [losing only 389 thousand, ready to gain 628], later England joined the Brazilian viewpoint, signing a Protocol with this understanding. France refuses to sign it, albeit agreeing with an exception open to the United States. This is the current state [of the situation]. A perspective that is favorable to Brazil, either France eventually signing the Protocol, recognizing our property [over the ships], or refusing to do it, and in this case the text of the Treaty will prevail [...]. which contains this acceptance by Germany about the ships apprehended by the Allies. [...] Our claims against Germany amount to 106 million gold marks. Ships were calculated before the war at 75. [...] I presume thus that my presence here is not indispensable [...] ask permission to return to Brazil. [...] I find it appropriate to publish this cable, in order to bring knowledge to the country about the work of this Delegation. $[...]^{32}$

The two last cables, sent from Lisbon, June 9 and 10, told about his visit to England, the refusal to pay similar visits to Switzerland, Chile, Peru, or Cuba, and the decision put forward by the Foreign minister of France, Pinchon, to create an embassy of France in Rio de Janeiro. The same collection of "complete works" by Epitácio Pessoa includes another draft, with the same date as the "long cable" (June 2nd), which provides another version of the same information, with the same detail of the 5% interests to be paid by Germany not having been included in the final wording of the Treaty.³³

²⁸ PARDELLAS, Carlos Alberto Pessoa. *Epitácio Pessoa:* na Europa e no Brasil. Brasília: Funag, 2018. p. 357.

²⁹ MARTINS, Pedro Augusto Amorim Parga. *Epitácio Pessoa e a política externa brasileira:* estudo histórico, diplomático e cultural. 2011. Dissertação (Mestrado em Diplomacia) – Instituto Rio Branco, Brasília, 2011. passim.

³⁰ PESSOA, Epitácio. *Obras completas:* Conferência da Paz, diplomacia e direito internacional. Rio de Janeiro: Instituto Nacional do Livro, 1961. v. 14. p. 48-51.

³¹ PESSOA, Epitácio. *Obras completas:* Conferência da Paz, diplomacia e direito internacional. Rio de Janeiro: Instituto Nacional do Livro, 1961. v. 14. p. 49.

³² PESSOA, Epitácio. *Obras completas:* Conferência da Paz, diplomacia e direito internacional. Rio de Janeiro: Instituto Nacional do Livro, 1961. v. 14. p. 49-50.

³³ PESSOA, Epitácio. Obras completas: Conferência da Paz, diplo-

The treaty, signed in Versailles on June 28, carried the signatures of the three remaining Brazilian delegates: Mr. João Pandiá Calógeras, the deputy head of mission – who would go on to be appointed first and the sole civilian minister of the Army in the 20th century, from October 1919 to the end of Pessoa's term in office, in 1922 –; Mr. Raul Fernandes, a jurist, Brazilian representative at the Reparations Commission from 1919 to 1921, delegate to the League from 1920 to 1925, and future minister, twice, of Foreign Affairs, but only after the Second World War; and Mr. Rodrigo Octavio de Menezes, professor of International Law in Rio de Janeiro, elected vice-president in the first Assembly of the League, in 1920. It was approved by the Brazilian Parliament in November, without any major difficulty.³⁴

The League of Nations came into existence on January 10, 1920, when Germany ratified the Versailles treaty, which included the Pact. The Assembly was one of the main bodies of the League of Nations, together with the Council, and a Secretariat, based in Geneva. The Council should have five permanent members, but with the empty space created by the U.S. Senate refusal to ratify the treaty, only four were present on January 16, for its first meeting, to which Brazil, Greece, and Belgium sent representatives.35 The non-permanent members grew to six in 1922 and to nine in 1926, the year when Brazil decided to leave the organization, on the grounds of not being reappointed to its Council, vacating the place in order to please Germany. The election of a Republican president (Warren Harding) in November 1920 implied also the replacement of the Wilsonian idealism by a new American isolationism: the non-approval of the Versailles treaty by the Senate of United States - even with amendments, which would compel new negotiations with the Allied nations - required the signing of separate peace agreements between the U.S. and Germany, Austria, and Hungary, but the geopolitical consequences of this terrible absence would be greater than those of any other diplomatic arrangements.

As the United States retracted from international commitments, Brazil came to lose the most important

of its preferred "partners" among the Great Powers, having already lost any trust in diplomatic understandings with France and Great Britain. Despite having representatives both in the Council and in the new International Court of Justice, Brazil's participation in the activities of the League was somewhat erratic, limited to the Reparations Commission and to some other minor questions. Among the reasons that could explain the low profile adopted by the Brazilian diplomacy afterwards, one could point out the personality of the new Foreign minister designated by President Epitácio Pessoa as president, an obscure professor of Law in São Paulo, to replace Domício da Gama, the commander of Pessoa during the Paris conference: José Manuel de Azevedo Marques, whose credentials to lead Itamaraty, according to the memorialist Heitor Lyra, were only the facts of being a man "rich and well-traveled."

This historian of the "old" Itamaraty makes a devastating portrait of the new minister – his boss –, who has "an incredible ignorance of diplomacy, not to say a total ignorance of everything".³⁶ In a short, but shocking chapter of his memoirs, titled tersely "The minister of Mr. Epitácio," Lyra cannot explain why this obscure "provincial professor of Law," totally unknown in Brazil, was chosen to command the external policy of Brazil:

Indeed, Azevedo Marques was the embodiment of mediocrity. [...]

I think that the mediocrity of Azevedo Marques as Foreign minister went beyond Epitácio's expectations, who became remorseful for having appointed him to the Government. That was the impression he gave to me in a meeting [...] in the summer of 1921, when he deplored the disorder existing in Itamaraty, and confessed that in fact he had no 'Foreign minister'. [...]

In Itamaraty we had to depend upon the lack of authority and passivity of the minister of State, as well as his shortage of capacity for the task. [...]

He had a confused and a clumsy spirit.37

The same opinion was held by foreign envoys in Rio de Janeiro. As recorded in the history of this period by Eugenio Garcia, the British ambassador, John Tilley, reported to the Foreign Office, in April 1921, that the "incompetence of the minister of Foreign Relations"

macia e direito internacional. Rio de Janeiro: Instituto Nacional do Livro, 1961. v. 14. p. 69.

³⁴ ROCHA, Regina da Cunha. Parlamento brasileiro e política exterior na república (1889-1930). Curitiba: Juruá, 2010. p. 248.

³⁵ DUROSELLE, Jean-Baptiste. *Histoire diplomatique de 1919 à nos jours*. 11. ed. Paris: Dalloz, 1993. p. 58-59.

³⁶ LYRA, Heitor. *Minha vida diplomática*. Brasília: UnB, 1981. v. 1. p. 82.

³⁷ LYRA, Heitor. *Minha vida diplomática*. Brasília: UnB, 1981. v. 1. p. 103-105.

was so evident to the point of being a "public scandal," pointing out that his attitude was not unusual among his pairs: "To do justice to His Excellency, I can add that, to my knowledge, he is not worse than the minister of Finance and probably others among his colleagues".³⁸ As an overall evaluation, this historian considers that the priorities of Brazil at that juncture stood in strengthening the approximation with the United States and pursuing the politics of prestige in Europe, where Brazil believed in the general acknowledgment of its status as a distinct Latin American member of the first league of the world powers.

At the first meetings of the League of Nations, Brazil was the sole representative of the American Hemisphere in the new organization, a position without precedent in its diplomatic history, especially among other Latin American nations. One of the consequences was the establishment of diplomatic relations with almost all of the States that emerged in the follow-up to the peace treaties in Europe and elsewhere. In May 1920, Brazil recognized the independence of Poland, Czechoslovakia and Finland, followed in August by that of Iceland and Austria, and in November by that of Armenia. In March 1921, legations in Warsaw and Prague were inaugurated, and in December of that year Brazil recognized the sovereignty of the three Baltic States: Estonia, Latvia, and Lithuania (it is worthy of note that Brazil never recognized the suppression of the sovereignty of those States by the Soviet Union in 1940). In parallel decisions, the governments of Great Britain, Italy, and later France, all in 1919, decided to upgrade the status of the legations in Rio de Janeiro to the level of embassies, a move immediately followed by Brazil in reciprocity. A remarkable indication of the new acquired prestige was the visit to Brazil, in 1920, of the "hero-king" of Belgium, Albert I and his wife Elisabeth, responding to the invitation made personally by Epitácio Pessoa one year earlier.

Brazil believed to have an "implicit mandate" from other Latin American states to represent them in the League, especially in the absence of the United States. At the first formal meeting of the Council, on January 16, 1920, the Brazilian representative, the ambassador in Paris, Gastão da Cunha, declared that his country

³⁸ GARCIA, Eugenio Vargas. Entre América e Europa: a política externa brasileira na década de 1920. Brasília: Editora da UnB-Funag, 2006. p. 98. was sitting as the "spokesman of the Pan-American consciousness".³⁹ The Brazilian representative in the discussion of the Statute for the Permanent International Court of Justice, Raul Fernandes, gave a valuable contribution to its Article 36, introducing the "facultative clause" for the compulsory jurisdiction of the Court in cases of juridical litigation among member States. Later on, in 1923, Epitácio Pessoa was elected a judge of the Court, succeeding to Ruy Barbosa, who had been the first Brazilian member, elected in 1921.

The hypothesis of a "continental representation" of the American Hemisphere by Brazil would be put to a severe test in the following years, as the different positions of European countries and the nations in other continents started to become more visible, in terms of representation, permanent membership, or other issues. Of particular interest for Brazil was the choice of a method for the selection of new non-permanent members, in the context of a competition among small powers for this temporary membership and the increase in the number of seats, from four to six. The great powers only accepted this resolution with the expectation that the number of permanent members would also be increased; in 1922, Brazil was reelected to the Council, but the thesis of *roulement* gained support among many other states, including from Latin America.

To circumvent a possible "ejection," Brazil started a campaign for a permanent seat in the Council, a quest that was to dominate the foreign policy of the next government. The successor of Epitácio Pessoa in the presidency, Arthur Bernardes, obsessed with the idea of prestige for Brazil, set as a goal for himself this status upgrade for the country in the international arena, irrespective of its many fragilities, both in terms of domestic problems and a low ability of external exposure, not to mention the likely opposition of the Latin American neighbors. The candidacy was presented first in a confidential letter of September 1923 to certain members, defending the accession of Spain (already in consideration) and of Brazil, as the best qualified member of the Latin American family; the idea was that the two countries should occupy places reserved for the United States and Germany. The idea received only indifference from two great powers, Great Britain and the United

³⁹ Cable from Paris, January 17; apud GARCIA, Eugenio Vargas. *Entre América e Europa:* a política externa brasileira na década de 1920. Brasília: Editora da UnB-Funag, 2006. p. 350.

States, approached by Brazil, but excusing themselves due to not being a member of the League.

Notwithstanding the establishment of a full Brazilian delegation in Geneva – with a future foreign minister, Afranio de Melo Franco, designated as ambassador there –, the cause of a permanent seat for Brazil remained a very difficult one; even though, a new mandate was accepted for Brazil as a non-permanent member.⁴⁰ Raul Fernandes was sent by the president in a tour to various European capitals, trying to convince those countries – France, Belgium, the Netherlands, Sweden, Great Britain – of the legitimacy of the Brazilian request. Brazil was even willing to accept an interim seat, as a temporary substitute for the United States, in the expectation that this country would eventually join the League.

In the meantime, Germany expressed, in September 1924, its interest in joining the organization, an intention officially confirmed by a letter in February 1926, while many Latin American countries appeared to be "conspiring" against Brazil in Geneva or elsewhere, a move evident in thesis of the "alternation," or roulement, defended by many of them.⁴¹ Adding to the bitterness, a resolution submitted by a Latin American group, and approved by all in 1925, declared that a new vote should be required in 1926 for the temporary seats: that move practically implied in the "expulsion" of Brazil by its Latin American "colleagues." New candidacies for a permanent seat in the Council, other than those of Spain and Brazil, were put forward by Poland, Belgium and China. From all sides, the Brazilian pretentiousness was being sabotaged in an atmosphere of great confusion and cynicism.

It was in an ambiance of acrimony and with an inappropriate policy formulation, enshrined in a slogan directing the Brazilian diplomacy "to win or, at least, to not be defeated," that the Brazilian president gave instructions to the delegation in Geneva to support, in the meeting of March 1926, the twin candidacy of Germany and Brazil to two permanent seats in the Council, or to use, otherwise, its veto right, blocking the choice of Germany to that position.⁴² President Bernardes, against the advice of the Brazilian delegate in Geneva, elevated his stubbornness to a triple point of national dignity, a matter of honor and self-esteem, and refused to retreat from his intransigence, thus condemning Brazil and its diplomacy to a condition of universal isolation, with additional negative repercussions for the financial sector of its economy.

The first semester of 1926 was characterized by many indecisions, vacillations and doubts, within the professional diplomacy of Brazil, concerning the proper attitude to be taken by Brazil in the League and in its relationship with Latin American countries, as well as with major and mid-level European powers. The Brazilian delegate in Geneva, Melo Franco, tried, without success, to favor a rational behavior in connection with the next meeting of the League, which would be in September. However, without even alerting Melo Franco, the president and his Foreign minister decided to sustain their erratic policy of impulsiveness towards the League, even to the point of short-circuiting procedure and announcing directly to the Secretary of the League their decision to leave the Geneva organization in June 1926.

That was the end of a diplomatic adventure that had started so well in 1919, with a very good understanding with the United States, France, and Great Britain, and that ended with a pathetic gesture of withdrawal by Brazil from its first great exercise in the realm of multilateral diplomacy. For the first time in its centenary trajectory as an independent nation, Brazil was alone, not only in America, but also in Europe, and perhaps in the world. This "international parenthesis", opened with the Brazilian decision to enter the Great War in 1917, was closed almost a decade later with this melancholic break and a new immersion into asymmetric Pan-Americanism, until a new world order started to be built after Bretton Woods, under the multilateral guidance of the United States. Woodrow Wilson would approve of that...

⁴⁰ FRANCO, Afonso Arinos Melo. Um estadista da república: Afrânio de Melo Franco e seu tempo. Rio de Janeiro: Livraria José Olympio Editora, 1955. v. 3. p. 215.

⁴¹ BARACUHY, Braz. Vencer ao perder: a natureza da diplomacia brasileira na crise da Liga das Nações (1926). Brasília: Funag, 2005. p. 44.

⁴² GARCIA, Eugenio Vargas. O Brasil e a Liga das Nações (1919-1926): vencer ou não perder. Porto Alegre: Editora da UFRGS; Brasília: Funag, 2000. p. 189.

References

BARACUHY, Braz. *Vencer ao perder:* a natureza da diplomacia brasileira na crise da Liga das Nações (1926). Brasília: Funag, 2005.

BARRETO, Fernando de Mello. *Os sucessores do Barão:* relações internacionais do Brasil, 1912-1964. São Paulo: Paz e Terra, 2001.

BRASIL. Câmara dos Deputados. *Mensagens presidenciais* (1919-1922): Delfim Moreira e Epitácio Pessoa. Brasília: Centro de Documentação e Informação, 1978.

BRASIL. Diplomatic Historical Archives of the Brazilian Foreign Ministry (AHD-Itamaraty), in Rio de Janeiro. *Series Paris Peace Conference* (273, 2, 08-11).

BRASIL. Ministério das Relações Exteriores. *Guerra da Europa:* documentos diplomáticos, atitude do Brasil. Rio de Janeiro: Imprensa Nacional, 1918.

CARDIM, Carlos Henrique. *A raiz das coisas:* Rui Barbosa, o Brasil no mundo. Rio de Janeiro: Civilização Brasileira, 2007.

CARVALHO, Carlos Delgado de. *História diplomática do Brasil (1959)*. 3. ed. Brasília: Senado Federal, 2016.

DUROSELLE, Jean-Baptiste. *Histoire diplomatique de* 1919 à nos jours. 11. ed. Paris: Dalloz, 1993.

FRANCO, Afonso Arinos Melo. *Um estadista da república:* Afrânio de Melo Franco e seu tempo. Rio de Janeiro: Livraria José Olympio Editora, 1955. v. 3.

GABAGLIA, Laurita Pessoa Raja. *Epitácio Pessoa (1865-1942)*. São Paulo: Livraria José Olympio Editora, 1951. v. 1.

GARCIA, Eugenio Vargas. *Entre América e Europa:* a política externa brasileira na década de 1920. Brasília: Editora da UnB-Funag, 2006.

GARCIA, Eugenio Vargas. O Brasil e a Liga das Nações (1919-1926): vencer ou não perder. Porto Alegre: Editora da UFRGS; Brasília: Funag, 2000.

LYRA, Heitor. Minha vida diplomática. Brasília: UnB, 1981. v. 1.

MARTINS, Pedro Augusto Amorim Parga. *Epitácio Pessoa e a política externa brasileira:* estudo histórico, diplomático e cultural. 2011. Dissertação (Mestrado em Diplomacia) – Instituto Rio Branco, Brasília, 2011. NICOLSON, Harold. *Peacemaking 1919*. London: Constable, 1933.

PARDELLAS, Carlos Alberto Pessoa. *Epitácio Pessoa:* na Europa e no Brasil. Brasília: Funag, 2018.

PESSOA, Epitácio. *Obras completas:* Conferência da Paz, diplomacia e direito internacional. Rio de Janeiro: Instituto Nacional do Livro, 1961. v. 14.

PESSOA, Epitácio. *Obras completas:* mensagens ao Congresso. Rio de Janeiro: Instituto Nacional do Livro, 1956. v. 17.

PESSOA, Epitácio. *Pela verdade*. Rio de Janeiro: Livraria Francisco Alves, 1925.

ROCHA, Regina da Cunha. Parlamento brasileiro e política exterior na república (1889-1930). Curitiba: Juruá, 2010.

SIMONSEN, Roberto et al. Calógeras na opinião de seus contemporâneos. São Paulo: Siqueira, 1934.

SMITH, Joseph. *Unequal giants:* diplomatic relations between the United States and Brazil, 1889-1930. Pittsburgh: University of Pittsburgh Press, 1991.

UNITED STATES OF AMERICA. Library of Congress. *Treaty of Versailles*. Text in English. Available at: https://www.loc.gov/law/help/us-treaties/bevans/must000002-0043.pdf. Access in: June 4, 2019.

VINHOSA, Francisco Luiz Teixeira. O Brasil e a Primeira Guerra Mundial: a diplomacia brasileira e as grandes potências. Rio de Janeiro: Instituto Histórico e Geográfico Brasileiro, 1990. Para publicar na Revista de Direito Internacional, acesse o endereço eletrônico www.rdi.uniceub.br ou www.brazilianjournal.org. Observe as normas de publicação, para facilitar e agilizar o trabalho de edição.