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Convention on Rights and Duties of States (inter-American); December 26, 1933

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Convention signed at Montevideo December 26, 1933; Senate advice and consent to ratification, with a reservation, June 15, 1934; Ratified by the President of the United States, with a reservation, June 29, 1934; Ratification of the United States deposited with the Pan American Union July 13, 1934; Entered into force December 26, 1934; Proclaimed by the President of the United States January 18, 1935; Article 8 reaffirmed by protocol of December 23, 1936.

49 Stat. 3097;
Treaty Series 881

CONVENTION ON RIGHTS AND DUTIES OF STATES

The Governments represented in the Seventh International Conference of American States:

Wishing to conclude a Convention on Rights and Duties of States, have appointed the following Plenipotentiaries:

Honduras:
MIGUEL PAZ BARAONA
AUGUSTO C. COELLO
LUIS BOGRAN

United States of America:
CORDELL HULL
ALEXANDER W. WEDDELL
J. REUBEN CLARK
J. BUTLER WRIGHT
SPRUILLE BRADEN
Miss SOPHONISBA P. BRECKINRIDGE

El Salvador:
HECTOR DAVID CASTRO
ARTURO RAMON AVILA
J. CIPRIANO CASTRO

Dominican Republic:
TULIO M. CESTERO

Haiti:
JUSTIN BARAU
FRANCIS SALGADO
ANTOINE PIERRE-PAUL
EDMOND MANGONES

Argentina:
CARLOS SAAVEDRA LAMAS
JUAN F. CAFFERATA
RAMON S. CASTILLO
CARLOS BREBBIA
ISIDORO RUIZ MORENO
LUIS A. PODESTA COSTA
RAUL PREBISCH
DANIEL ANTOKOLETZ

Venezuela:
CESAR ZUMETA
LUIS CHURTON
JOSE RAFAEL MONTTLLA

Uruguay:
ALBERTO MANE
JUAN JOSE AMEZAGA
JOSE G. ANTUNA
JUAN CARLOS BLANCO
Senora SOFIA A. V. DE DEMICHELI
MARTIN R. ECHEGOYEN
LUIS ALBERTO DE HERRERA
PEDRO MANINI RIOS
MATEO MARQUES CASTRO

RODOLFO MEZZERA
OCTAVIO MORAT6
LUIS MORQUIO
TEOFILO PINEYRO CHAIN
DARDO REGULES
JOSE SERRATO
JOSE PEDRO VARELA

Paraguay:
JUSTO PASTOR BENITEZ
GERONIMO RIART
HORACIO A. FERNANDEZ
Senorita MARIA F. GONZALEZ

Mexico:
JOSE MANUEL PUIG CASAURANC
ALFONSO REYES
BASILIO VADILLO
GENARO V. VASQUEZ
ROMEO ORTEGA
MANUEL J. SIERRA
EDUARDO SUAREZ

Panama:
J. D. AROSEMENA
EDUARDO E. HOLGUIN
OSCAR R. MULLER
MAGIN PONS

Bolivia:
CASTO ROJAS
DAVID ALVESTEGUI
ARTURO PINTO ESCALIER

Guatemala:
ALFREDO SKINNER KLEE
JOSE GONZALEZ CAMPO
CARLOS SALAZAR
MANUEL ARROYO

Brazil:
AFRANIO DE MELLO FRANCO
LUCILLO A DA CUNHA BUENO
FRANCISCO LUIS DA SILVA CAMPOS
GILBERTO AMADO
CARLOS CHAGAS
SAMUEL RIBEIRO

Ecuador:
AUGUSTO AGUIRRE APARICIO
HUMBERTO ALBORNOZ
ANTONIO PARRA
CARLOS PUIG VILASSAR
ARTURO SCARONE

Nicaragua:
LEONARDO ARGUELLO
MANUEL CORDERO REYES
CARLOS CUADRA PASOS

Colombia:
ALFONSO LOPEZ
RAIMUNDO RIVAS
JOSE CAMACEO CARRENO

Chile:
MIGUEL CRUCHAGA TOCORNAL
OCTAVIO SENORET SILVA
GUSTAVO RIVERA
JOSE RAMON GUTIERREZ
FELIX NIETO DEL RIO
FRANCISCO FIGUEROA SANCHEZ
BENJAMIN COHEN

Peru:
ALFREDO SOLE Y MURO
FELIPE BARREDA LAOS
LUIS FERNAN CISNEROS

Cuba:
ANGEL ALBERTO GIRAUDY
HERMINIO PORTELL VILA
ALFREDO NOGUEIRA

Who, after having exhibited their Full Powers, which were found to be in good and due order, have agreed upon the following:

ARTICLE 1

The state as a person of international law should possess the following qualifications: a) a permanent population; b) a defined territory; c) government; and d) capacity to enter into relations with the other states.

ARTICLE 2

The federal state shall constitute a sole person in the eyes of international law.

ARTICLE 3

The political existence of the state is independent of recognition by the other states. Even before recognition the state has the right to defend its integrity and independence, to provide for its conservation and prosperity, and consequently to organize itself as it sees fit, to legislate upon its interests, administer its services, and to define the jurisdiction and competence of its courts.

The exercise of these rights has no other limitation than the exercise of the rights of other states according to international law.

ARTICLE 4

States are juridically equal, enjoy the same rights, and have equal capacity in their exercise. The rights of each one do not depend upon the power which it possesses to assure its exercise, but upon the simple fact of its existence as a person under international law.

ARTICLE 5

The fundamental rights of states are not susceptible of being affected in any manner whatsoever.

ARTICLE 6

The recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law. Recognition is unconditional and irrevocable.

ARTICLE 7

The recognition of a state may be express or tacit. The latter results from any act which implies the intention of recognizing the new state.

ARTICLE 8

No state has the right to intervene in the internal or external affairs of another.

ARTICLE 9

The jurisdiction of states within the limits of national territory applies to all the inhabitants.

Nationals and foreigners are under the same protection of the law and the national authorities and the foreigners may not claim rights other or more extensive than those of the nationals.

ARTICLE 10

The primary interest of states is the conservation of peace. Differences of any nature which arise between them should be settled by recognized pacific methods.

ARTICLE 11

The contracting states definitely establish as the rule of their conduct the precise obligation not to recognize territorial acquisitions or special advantages which have been obtained by force whether this consists in the employment of arms, in threatening diplomatic representations, or in any other effective coercive measure. The territory of a state is inviolable and may not be the object of military occupation nor of other measures of force imposed by another state directly or indirectly or for any motive whatever even temporarily.

ARTICLE 12

The present Convention shall not affect obligations previously entered into by the High Contracting Parties by virtue of international agreements.

ARTICLE 13

The present Convention shall be ratified by the High Contracting Parties in conformity with their respective constitutional procedures. The Minister of Foreign Affairs of the Republic of Uruguay shall transmit authentic certified copies to the governments for the aforementioned purpose of ratification. The instrument of ratification shall be deposited in the archives of the Pan American Union in Washington, which shall notify the signatory governments of said deposit. Such notification shall be considered as an exchange of ratifications.

ARTICLE 14

The present Convention will enter into force between the High Contracting Parties in the order in which they deposit their respective ratifications.

ARTICLE 15

The present Convention shall remain in force indefinitely but may be denounced by means of one year's notice given to the Pan American Union, which shall transmit it to the other signatory governments. After the expiration of this period the Convention shall cease in its effects as regards the party which denounces but shall remain in effect for the remaining High Contracting Parties.

ARTICLE 16

The present Convention shall be open for the adherence and accession of the States which are not signatories. The corresponding instruments shall be deposited in the archives of the Pan American Union which shall communicate them to the other High Contracting Parties.

In witness whereof, the following Plenipotentiaries have signed this Convention in Spanish, English, Portuguese and French and hereunto affix their respective seals in the city of Montevideo, Republic of Uruguay, this 26th day of December, 1933.

RESERVATIONS

The Delegation of the United States of America, in signing the Convention on the Rights and Duties of States, does so with the express reservation presented to the Plenary Session of the Conference on December 22, 1933, which reservation reads as follows:

The Delegation of the United States, in voting "yes" on the final vote on this committee recommendation and proposal, makes the same reservation to the eleven articles of the project or proposal that the United States Delegation made to the first ten articles during the final vote in the full Commission, which reservation is in words as follows:

"The policy and attitude of the United States Government toward every important phase of international relationships in this hemisphere could scarcely be made more clear and definite than they have been made by both word and action especially since March 4. I [Secretary of State Cordell Hull, chairman of U.S. delegation] have no disposition therefore to indulge in any repetition or rehearsal of these acts and utterances and shall not do so. Every observing person must by this time thoroughly understand that under the Roosevelt Administration the United States Government is as much opposed as any other government to interference with the freedom, the sovereignty, or other internal affairs or processes of the governments of other nations.

"In addition to numerous acts and utterances in connection with the carrying out of these doctrines and policies, President Roosevelt, during recent weeks, gave out a public statement expressing his disposition to open negotiations with the Cuban Government for the purpose of dealing with the treaty which has existed since 1903. I feel safe in undertaking to say that under our support of the general principle of non-intervention as has been suggested, no government need fear any intervention on the part of the United States under the Roosevelt Administration. I think it unfortunate that during the brief period of this Conference there is apparently not time within which to prepare interpretations and definitions of these fundamental terms that are embraced in the report. Such definitions and interpretations would enable every government to proceed in a uniform way without any difference of opinion or of interpretations. I hope that at the earliest possible date such very important work will be done. In the meantime in case of differences of interpretations and also until they (the proposed doctrines and principles) can be worked out and codified for the common use of every government, I desire to say that the United States Government in all of its international associations and relationships and conduct will follow scrupulously the doctrines and policies which it has pursued since March 4 which are embodied in the different addresses of President Roosevelt since that time and in the recent peace address of myself on the 15th day of December before this Conference and in the law of nations as generally recognized and accepted".

The delegates of Brazil and Peru recorded the following private vote with regard to article 11: "That they accept the doctrine in principle but that they do not consider it codifiable because there are some countries which have not yet signed the Anti-War Pact of Rio de Janeiro 4 of which this doctrine is a part and therefore it does not yet constitute positive international law suitable for codification".

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M. PAZ BARAONA
AUGUSTO C. COELLO
Luls BOGRXN

United States of America:
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J. BUTLER WRIGUT

El Salvador:
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ARTURO R. AVILA

Dominican Republic:
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F. SALGADO
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A. PRRE. PAUL

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Chile:
MIGUEL CRUCHAGA
J. RAMON GUTIERREZ
F. FIGUEROA
F. NIETO DEL RIO
B. COHEN

Peru:
(with the reservation set forth)
ALFREDO SOLF Y MURO

Cuba:
ALBERTO GIRAUDY
HERMINIO PORTELL VILA
ING. NOGUEIRA

Source:
Treaties and Other International Agreements of the United States of America 1776-1949
Compiled under the direction of Charles I. Bevans LL.B.
Assistant Legal Advisor Department of State
Volume 3 Multilateral 1931-1945
Department of State Publication 8484
Washington, DC : Government Printing Office, 1969

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