MONTEVIDEO CONVENTION ON THE RIGHTS AND DUTIES OF STATES

Signed at Montevideo, 26 December 1933

Entered into Force, 26 December 1934

Article 8 reaffirmed by Protocol, 23 December 1936

Bolivia alone amongst the states represented at the Seventh International Conference of

American States did not sign the Convention. The United States of America, Peru, and Brazil

ratified the Convention with reservations directly attached to the document.

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

José Rafael MONTILLA

Uruguay:

Alberto MANE

Juan José AMEZAGA

José 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 MORATA

Luis MORQUIO

Teofilo PINEYRO Chain

Dardo REGULES

José SERRATO

José Pedro VARELA

Paraguay:

Justo Pastor BENITEZ

Geronimo RIART

Horacio A. FERNANDEZ

Senorita Maria F. GONZALEZ

Mexico:

José 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

José 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

José CAMACEO Carreno

Chile:

Miguel CRUCHAGA Tocornal

Octavio SENORET Silva

Gustavo RIVERA

José 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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Augusto C. COELLO

Luis BOGRAN

United States of America:

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El Salvador:

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J. Ramon GUTIERREZ

F. FIGUEROA

F. NIETO DEL RIO

B. COHEN

Peru:

(with reservation set forth)

Alfredo SOLE Y MURO

Cuba:

Alberto GIRAUDY

Herminio PORTELL Vila

Ing. NOGUEIRA