A COMMENTARY ON THE DECLARATION OF THE RIGHTS OF NATIONS

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OF

THE RIGHTS OF NATIONS

ADOPTED BY

THE AMERICAN INSTITUTE

OF

INTERNATIONAL LAW

BY

FRANCISCO JOSE URRUTIA

FORMER MINISTER OF FOREIGN AFFAIRS IN COLOMBIA

WASHINGTON, D. C.

1916

"The small States of the world have a right to enjoy the same respect for their sovereignty and for their territorial integrity that great and powerful nations expect and insist upon."

"The world has a right to be free from every disturbance of its peace that has its origin in agresion and disregard of the rights of peoples and nations."

President Wilson's declaration in his address before the League to Enforce Peace—May 27, 1916.

The American Institute of International Law, at its first session, held in Washington on January 6, of this year, under the auspices of the Second Pan-American Scientific Congress, unanimously adopted the five following Articles to be known as The Declaration of the Rights of Nations:

Declaration of the Rights of Nations

"Whereas, the municipal law of civilized nations recognizes and protects the right to life, the right to liberty, to which the Declaration of Independence of the United States adds the right to the pursuit of happiness, the right to legal equality, the right to property and the right to the enjoyment of the aforesaid rights, creating a duty on the part of the citizens or subjects of each nation to observe them; and

"Whereas, these fundamental rights, thus universally recognized, are familiar to the peoples of all civilized countries, and

"Whereas, these fundamental rights can be stated in terms of international law and can be applied to the relations of the members of the society of nations, one with another, just as they have been applied in the relations of the citizens or subjects of the states forming the Society of Nations; and

"Whereas, these fundamental rights of national jurisprudence, namely, the right to life, the right to liberty, the right to the pursuit of happiness, the right to equality before the law, the right of the nation to exist and to protect and to conserve its existence; the right of independence and the freedom to develop itself without interference or control from other nations, the right of equality in law and before the law; the right to territory within defined boundaries and to exclusive jurisdiction therein; and the right to the observance of those fundamental rights;

"Therefore, the American Institute of International Law unanimously adopts at its first session, held in the city of Washington, in the United States of America, on the sixth day of January, 1916, in connection with and under the auspices of the Second Pan-American Scientific Congress, the following five articles, together with the commentary thereon, to be known as the Declaration of the Rights of Nations."

1.—Every Nation has the right to exist, to protect and conserve its existence, but this right neither implies the right nor justifies the act of the State to protect itself or to conserve its existence by the commission of unlawful acts against innocent and unoffending States.

2.—Every Nation has the right to independence in the sense that it has a right to the pursuit of happiness and is free to develop itself without interference or control from other States, provided that in so doing it does not interfere with or violate the just rights of other States.