

## States

### 7. CONVENTION ON RIGHTS AND DUTIES OF STATES

Done at Montevideo on 26 December 1933

Entry into force: 26 December 1934

League of Nations, *Treaty Series*, vol. 165, p. 19; Reg. No. 3802

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:	Dominican Republic:
[. . .]	[. . .]
United States of America:	Haiti :
[. . .]	[. . .]
El Salvador:	Argentina:
[. . .]	[. . .]

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 organise 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.

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## 8. DRAFT DECLARATION ON RIGHTS AND DUTIES OF STATES

General Assembly resolution 375 (IV) of 6 December 1949, annex

*Whereas* the States of the world form a community governed by international law,

*Whereas* the progressive development of international law requires effective organization of the community of States,

*Whereas* a great majority of the States of the world have accordingly established a new international order under the Charter of the United Nations, and most of the other States of the world have declared their desire to live within this order,

*Whereas* a primary purpose of the United Nations is to maintain international peace and security, and the reign of law and justice is essential to the realization of this purpose, and

*Whereas* it is therefore desirable to formulate certain basic rights and duties of States in the light of new developments of international law and in harmony with the Charter of the United Nations,

*The General Assembly* of the United Nations adopts and proclaims this Declaration on Rights and Duties of States:

### Article 1

Every State has the right to independence and hence to exercise freely, without dictation by any other State, all its legal powers, including the choice of its own form of government.

### Article 2

Every State has the right to exercise jurisdiction over its territory and over all persons and things therein, subject to the immunities recognized by international law.

### Article 3

Every State has the duty to refrain from intervention in the internal or external affairs of any other State.

### Article 4

Every State has the duty to refrain from fomenting civil strife in the territory of another State, and to prevent the organization within its territory of activities calculated to foment such civil strife.

### Article 5

Every State has the right to equality in law with every other State.