

of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them."

IV. Every nation has the right to territory within defined boundaries and to exercise exclusive jurisdiction over its territory, and all persons whether native or foreign found therein.

V. Every nation entitled to a right by the law of nations is entitled to have that right respected and protected by all other nations, for right and duty are correlative, and the right of one is the duty of all to observe.

VI. International law is at one and the same time both national and international: national in the sense that it is the law of the land and applicable as such to the decision of all questions involving its principles; international in the sense that it is the law of the society of nations and applicable as such to all questions between and among the members of the society of nations involving its principles.

The declaration is accompanied by the official commentaries adopted at one and the same time, stating the sense in which each right and each duty is to be understood, based upon decisions of the Supreme Court of the United States and upon statements of Latin-American publicists. It is too long to be printed in this place, and too important to be summarized.

During the meeting an invitation was officially presented by the Government of Cuba, inviting the American Institute to hold its next session in the City of Havana as the guest of the Cuban Government. This invitation was accepted, and the date provisionally agreed upon for the second session was the middle of January, 1917.

The American Institute of International Law has barely begun its labors and, without predicting either their nature or their value, it is perhaps sufficient to say that such men as Dr. Ruy Barbosa, of Brazil, Dr. Luis Drago, of Argentina, Dr. Joaquin Casasus, of Mexico, and Hon. Elihu Root, of the United States, would not consent to be members of an organization, lending their names and pledging themselves to unlimited co-operation, if they do not believe that it is calculated to succeed and to render services to the cause of international law, which will justify its creation.

JAMES BROWN SCOTT.

A RECENT DEPLOYMENT OF THE LATIN AMERICAS IN SUPPORT OF A DIPLOMATIC AND HUMANITARIAN POLICY INITIATED BY THE AMERICAN GOVERNMENT

Those of us who were interested listeners to the clear exposition of the final resolutions of the Second Pan American Scientific Congress were somewhat disappointed that reference was not made in the Resolutions

to the promptness and loyalty of the Latin Americas in their help to the American Government to secure the ratifications and effectuation of the International Opium Convention signed at The Hague, January 23, 1912.

The just mentioned convention, as the readers of the *JOURNAL* know, is perhaps one of the most far-reaching commercial and diplomatic documents subscribed to at The Hague in recent years by the nations of the world. The convention embodies principles of international law and diplomacy which are bound to have an uplifting effect on mankind and to permanently influence all future international conferences held at The Hague or at any of the other great centers of thought and action.

It does not seem to be generally known, yet as a matter of fact, the International Opium Convention, together with its Protocols, was effectuated at The Hague, February 12, 1915.

This effectuation was accomplished in the midst of war and, as the American Minister to The Hague remarked, in substance, we put this convention into effect as between the United States, China and the Netherlands in spite of war, to show the world at large that instruments negotiated at The Hague are not mere scraps of paper.

In the International Conference of 1911-2 when the International Opium Convention was formulated by twelve of the leading Powers of the world, plans came to light which it was evident were designed to wreck the well-matured objective of the American Government, whose only aim was to clear the diplomatic slate as between China and the Treaty Powers, and to bring to an end a social and economic evil which for over one hundred years had been a hindrance to normal intercourse between Americans, Europeans and the Chinese and other Far Eastern peoples.

The convention just referred to was signed at The Hague on January 23, 1912. Before its final formulation and signature two attempts were made to nullify it.

There was first, a general suspicion on the part of the delegations of the negotiating Powers of the ability of the American Government to carry out its part of the convention. This suspicion was well based, for at the time there was no Federal statute in force corresponding in any way to the statutes which all of the other governments had on their books which conformed more or less to the terms of the convention.

Then again, there was an attempt to derelict the convention as a whole by requiring before its ratification and effectuation, signatures

to it, and agreements to ratify it, by certain of the European Powers, and the signatures and ratifications of all of the Latin Americas. There were certain of the diplomats at the conference who labored under the erroneous impression that there was so much friction between the United States and the Latin Americas that the former could not secure the adhesion of the latter to the convention.

On the first point there were certain questions put to the American delegation, which, while interesting, were not quite customary in a full powered conference. The questions were as follows:

What guarantee can they (the American delegation), give to the other delegations that the United States Government, after having signed and ratified the treaty (*i. e.*, the convention under consideration), will pass the necessary legislation to put the stipulations of the treaty into force?

What guarantee can the American delegation give that the stipulations of the convention, after having been put into force, will not be invalidated by subsequent laws not in harmony with the convention?

Rather awkward questions and bluntly put to the American delegation by Herr Delbrück, of the German delegation, by order of his government.

After propounding these questions, Herr Delbrück stated: "It is of great importance to the German delegation to have an answer to these questions from the American delegation and to have inserted in the minutes the questions and their answers." (See page 105, Summary of Minutes of the International Opium Conference.)

These questions had to be answered, although as said before, they were unusual. Therefore the leader of the American delegation, knowing what the Congress and Executive had in mind, contented himself with assuring the leader of the German delegation that the good faith of the United States was a sufficient guarantee that the Congress would pass the necessary legislation to enforce the convention if Germany would sign and ratify it.

Ratification of the convention has been made by the United States, and the Congress has passed five acts which more than carry out the terms of the convention, and so fully answer the questions put by the German delegation.

It should be noted that to date Germany has not ratified the convention or promised to ratify it; while some forty other nations have done so.

But the main point: What of the action of the Latin Americas on a question which only remotely concerned them?

The Conference of 1911-2 insisted that the International Opium Convention should be signed and ratified by the Latin Americas. Otherwise the convention was a dead letter to Europe. Article 22 of the convention exhibits this. It devolved upon the American Government to secure favorable action from the Latin Americas.

After the adjournment of The Hague Conference, the United States presented the whole proceedings of the Shanghai Commission of 1909 and The Hague Conference of 1911-2 to the Latin American Governments with a request that, for the benefit of humanity at large, for the sake of international comity and the success of Hague Conferences, the Latin Americas promptly agree to Article 22 of the International Opium Convention. This was done in a circular instruction dated April 15, 1912.

That instruction was to the effect that during some thirty years a powerful and extensive public opinion had arisen in the United States and in several of the larger European countries which aimed to secure the abolition of the opium traffic as seen in Far Eastern countries and in the United States. This public opinion had been brought to the attention of Secretary Hay and President Roosevelt, and to the high officials of those other countries having intimate commercial intercourse with China. The particular feature of the instruction was an appeal to the Latin Americas to accept the terms of the International Opium Convention and so assure the world at large that they were as ever in close sympathy with any unselfish movement inaugurated by the United States.

By October, 1912, without a word of dissent or of suggestion of change in the terms of the International Opium Convention, all of the Latin Americas, except Peru, had agreed to the convention. They so informed the United States and The Netherlands.

Peru, with large economic interests at stake, had perforce to thoroughly examine the convention. For by a favorable assent to the instrument it stood to lose a couple of millions of revenue per annum. Yet His Excellency, M. Pezet, Peruvian Minister at Washington, was fully alive to the necessity of a solid backing of all of the Latin Americas to the convention. In every way possible he placed all facts before his government and it will be shown in a final paragraph that his high-minded action was successful.

The Second International Opium Conference met at The Hague, July 1, 1913. All of the Latin Americas were represented, except Peru.

It was largely owing to the Latin American representation that *some* thirty nations agreed to ratify the convention of 1911-2 and to pass the necessary legislation to enforce it. It was seen by the European diplomats that there were no serious difficulties between the United States and the sister republics of the American continent, and that Article 22 of the convention had simply proved that on large diplomatic, economic and humanitarian questions the twenty-one republics would stand shoulder to shoulder.

Yet, during the nine days of the Second Conference the American delegates were frequently reminded that the United States and the Netherlands acting together had not been able to persuade Peru to accept the convention of 1911-2, with a large financial loss to herself. But Minister Pezet was watching the action of the Second Conference.

The delegates of some thirty Powers representing Europe, America and Asia had no sooner affixed their signatures to a protocol which ratified the International Opium Convention and provided for its general effectuation, than came a cablegram to the Minister for Foreign Affairs of the Netherlands notifying him that the Peruvian Government had instructed its minister plenipotentiary to sign the convention and agree to its ratification.

This action of Peru was noble; especially in view of the fact that as a Treaty Power with China, neglect on her part would have meant irreparable damage to the large plan of the United States, and evil consequences to China in her great effort to shake herself loose from the opium traffic.

Thus when the Second International Opium Conference adjourned at The Hague on July 9, 1913, every Latin American state had favorably answered the call of the American Government of April 15, 1912. Europe saw that the Americas were as one on any sane issue designed to be accomplished at The Hague.

The recent Second Pan American Scientific Congress stamps this great fact beyond dispute. He who runs may read.

HAMILTON WRIGHT.

THE SECOND PAN-AMERICAN SCIENTIFIC CONGRESS

This Congress met at Washington December 27, 1915, and adjourned on January 8, 1916, after what has been universally considered a remarkably successful meeting. The programs of the Subsections on In-