

friend of Lincoln? And would not this exchange bind together America and England, not by hooks of steel which are weak, but by bonds of sympathy which are unbreakable?

JAMES BROWN SCOTT.

#### THE INSTITUTE OF INTERNATIONAL LAW

In the early days of August, 1913, the Institute of International Law met in the city of Oxford and celebrated the fortieth anniversary of its existence, little dreaming that a year later its membership would be divided by war into two enemy groups. Little also did the members dream that their next meeting would be held during a peace conference composed of representatives of twenty-three Powers, among them the United States of America, in the city of Paris, to impose terms upon the great Power that was the Empire and now is the Republic of Germany.

At the Oxford session, Munich was chosen for the session of 1914, and preparations were well under way for the opening of that session on the 18th day of September of that memorable year. Dr. Harburger, Counsellor of the Supreme Court of Bavaria and professor in the University of Munich, was to preside at the session. The meeting did not take place, and Dr. Harburger, in company with a number of other distinguished members and associates, has passed away.

The statutes provide that there shall be a session at least every two years. They did not contemplate or foresee such a situation as that created by the World War, as almost five years had passed since the Oxford meeting. It appeared to members and associates living in Paris and others temporarily in Paris in attendance upon the Peace Conference that a meeting should be held before the ranks of the Institute had been further depleted, and steps taken to complete its membership, although some of the members could never be replaced, such as Dr. von Bar of Germany and Professor Renault of France.

The members and associates in Paris and Mr. Albéric Rolin, the Secretary-General, who chanced to be in Paris, met to canvass the situation. This informal meeting was attended by eighteen members and associates under the presidency of Sir Thomas Barclay, vice-president, and since the death of Dr. Harburger, acting president. After a second informal meeting to discuss the proper procedure to

be followed under the exceptional circumstances then existing, it was decided that the Institute should meet in extraordinary session on Thursday, May 8, 1919, and close on Saturday the 10th. The Secretary-General was requested to notify the European members and associates by letter and the extra-European members and associates by telegram, with the exception of the members and associates of countries at war with the Allied and Associated Powers. It was decided not to invite these latter, inasmuch as by a rule of international law enemies could not communicate, and all citizens and subjects of these various countries were, in the eye of the law, enemies, notwithstanding the armistice, which only suspended military and naval operations.

The meeting was held in the faculty room of the Law School of the University of Paris through the courtesy of its distinguished dean, Professor Larnaude. Thirteen members and twelve associates, drawn from eleven different countries were present, as follows: Members: Sir Thomas Barclay (Great Britain), Messrs. Bustamante (Cuba), Clunet (France), Corsi (Italy), Descamps (Belgium), Fauchille (France), Kebedgy (Greece), Pillet (France), Alberic Rolin (Belgium), Rolin-Jaequemyns (Belgium), Scott (United States), Vesnitch (Serbia), Weiss (France). Associates: Messrs. Alvarez (Chile), de Blociszewski (France), de Boeck (France), Clère (France), Jordan (France), Mercier (Switzerland), Mérignhae (France), de Peralta (Costa Rica), Politis (Greece), Sela (Spain), Vallotton (Switzerland).

Sir Thomas Barclay presided and delivered an address, and Professor Weiss was elected vice-president for the session. Mr. Albéric Rolin delivered his report as Secretary-General. It had been decided to discuss the Declaration of the Rights and Duties of Nations, adopted by the American Institute of International Law at its session in Washington, held in 1916. Mr. de Lapradelle presented a report on the Declaration, but after an exchange of views it was decided not to adopt resolutions of a scientific character, but rather to prepare the way for a fruitful session for the next year by electing officers, fixing the time and place of the next meeting, and by passing in review the subjects referred to commissions, revising the personnel of such commissions and appointing new commissions for the consideration of additional subjects. Nevertheless, the Institute unanimously adopted a resolution appreciating and approving "the elevation of

thought and the profound sentiment of justice which inspired the Declarations of the American Institute of International Law on the Rights and Duties of Nations," and directing the Bureau to place this question on the programme for the next ordinary session. A commission to examine the Declaration was then appointed, with Mr. de Lapradelle as reporter.

It was proposed that the recommendations of Habana on International Organization adopted by the American Institute in 1917 be referred to a commission for examination and report. After an exchange of views it was decided to enlarge the scope of the commission by having it examine how the protection of nations may be assured. Of this commission Messrs. Rolin-Jaequemyns and Bustamante were appointed reporters.

Another commission on the subject of an International Court of Justice was appointed, with Mr. Scott as reporter.

The Institute thereupon examined one by one the different commissions, continuing most, abolishing some and adding in not a few instances new members in place of those who had died in the interval.

The question of the time and place of the next meeting was discussed. Mr. Scott proposed the first week in October, 1920, and suggested Mr. Root as president. Washington was chosen, and Mr. Root elected president, to enter forthwith upon his duties and to preside at the next session of the Institute whether it should be held in Washington or elsewhere.

The Institute thus put its house in order, so to speak, and prepared the way for an ordinary session to be held in the year 1920.

There was a strong desire to take some action concerning the war and its conduct. It was finally decided that a declaration, unani- mously adopted by the twenty members and associates present (Messrs. Bustamante, Scott, and Vesnitch left the session rather than vote for it or indeed be present during its discussion), should be issued over the individual signatures of those voting for it and not as a declaration of the Institute. The text of this document is thus worded :

The undersigned, members and associates of the Institute of International Law, assembled at Paris in extraordinary session, after a war which has shaken the bases of international law, consider it as their duty, even before the Institute can resume the regular course of its labors, which have been so long interrupted, to make the following individual and public declaration:

They condemn with all their power the premeditated violation of the solemn acts with respect to the neutrality of Belgium and Luxemburg, of the treaties, rules and customs regarding the conduct of war as well as of the laws of humanity. They condemn no less energetically the theory of necessity by which it is attempted to justify these acts.

But they are convinced that the restoration and the scientific development of international law must be pursued in a spirit of honest collaboration by jurists who are deeply imbued with the duty of respecting treaties and are seriously resolved not to admit any excuse for justifying the violation of a given pledge.

Upon the motion of Mr. de Lapradelle it was decided to put this declaration to a vote at the next regular session of the Institute, just as it had previously been agreed to put to a vote at the next session all action taken at the extraordinary session to avoid any question of their validity.

As was to be expected, some of the German members and associates have protested against the declaration, and in consequence Messrs. von Martitz, Meurer and Triepel have resigned.

The presidential elections in the United States turning in a large measure on the ratification of the Treaty of Versailles, suggested the postponement of the session of the Institute to be held at Washington. The Bureau has accordingly postponed the meeting. At present it is uncertain whether a session will be held this year or whether it will be postponed until the spring or summer of 1921. If the Institute is to survive and resume its noble career, interrupted by a war which has settled nothing and has unsettled much, it must perforce begin apace. Otherwise it will lose its most distinguished members and associates and with them its prestige. The Institute was needed in the past; it will be more needed in the future. It must meet and it should meet soon.

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#### AMERICAN SOLIDARITY

On April 21, 1920, the distinguished and farsighted President of the Republic of Uruguay, Dr. Baltasar Brum, delivered an address on American solidarity before the University of Montevideo.

The address was not born of the moment and did not content itself with vague and uncertain generalities. It spoke of the policy of the past as a means of forecasting the future policy of his country and