

# THE SCHOOL OF SALAMANCA WITH SPECIAL REFERENCE TO THE RIGHT TO PEACE

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## ***Abstract***

This article explores how the School of Salamanca's principles on justice, sovereignty, and international law influenced the formation of Latin American legal traditions and diplomatic efforts, including the Congress of Panama (1826), initiated by Simón Bolívar. The discussion highlights how the legacy of Salamanca and Vitoria contributed to the right to peace, shaping treaties such as the 1820 Treaty of Regularization of War and promoting Latin America's participation in global diplomatic initiatives like the Berlin Conference (1884-1885) and the Versailles Conference (1919). By tracing the intellectual transition from Salamanca to the legal thought of independence, the article examines the evolution of Latin America's engagement with international law, demonstrating how these principles were reinterpreted to justify self-determination, sovereignty, and regional diplomacy. The rupture with the Salamanca School was not absolute; rather, Latin American jurists adapted its core legal and ethical principles into a pragmatic legal system, integrating new secular and liberal influences.

## ***Keywords***

School of Salamanca, Francisco de Vitoria, *Ius Gentium*, International Law, Right to Peace, Latin America, Sovereignty, Simón Bolívar, Congress of Panama.

## ***Summary***

Introduction. 1. The School of Salamanca in Hispanic America. 2. The Rupture and Transformation of the School of Salamanca in America. 3. The quest for peace in the framework of the new American Law. 4. Conclusion

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## INTRODUCTION

The history of legal thought in Latin America is marked by processes of reception, adaptation, and rupture with various European legal traditions, with the School of Salamanca serving as a foundational influence during the sixteenth and seventeenth centuries. This influence was significant due to the presence of Spanish jurists and theologians in shaping Indian law, a normative body governing the colonial territories of the Spanish Empire. Following the wars of independence, this legacy became the platform for constructing an international legal framework, an *Ius Gentium* unique to Latin America, which played a pivotal role in the formation of national states.

### 1. THE SCHOOL OF SALAMANCA IN HISPANIC AMERICA

The School of Salamanca, led by figures such as Francisco de Vitoria, Domingo de Soto, and Bartolomé de las Casas, played a central role in developing legal principles related to indigenous rights and the legitimacy of Spanish rule in the Americas. The moral theology and natural law promoted by this school resonated within the first universities on the continent, such as the University of San Marcos in Lima and the Royal and Pontifical University of Mexico, gradually permeating Spanish America. However, within the scope of international law, particularly regarding the right to peace, the application of Salamancan principles faced additional challenges. The study and practice of the law of nations (*Ius Gentium*) during the colonial period were distinct from modern understandings of international law.

During this time, legal education in Hispanic America was deeply influenced by the traditions of the Salamanca School and canon law. Colonial universities structured their curricula around moral theology and natural law, emphasizing the works of jurists like Vitoria and Soto. These scholars addressed fundamental issues concerning sovereignty, just war, and the rights of indigenous people's concepts that became foundational to the evolving law of nations.

Teaching was structured around the reading and discussion of classical texts and commentaries, with a strong emphasis on the application of universal principles derived from Catholic theology. The law of nations was traditionally taught as an extension of moral philosophy, designed to regulate relations among Christian monarchs and justify colonial expansion under the guise of "civilizing" non-European peoples. Today, however, *Ius Gentium* is understood as a legal framework primarily governing state action in external or international relations. In colonial times, foreign affairs in Spanish America were centrally managed from Madrid, with colonies prohibited from engaging in independent political, commercial, or diplomatic activities. Yet, British expansionism and informal exchanges across the Spanish Empire rendered this prohibition<sup>2</sup> difficult to enforce.

For instance, a French traveller in the pre-independence period observed that at the University of Caracas, "civil and canon law is taught, but there is no chair for natural law or the law of nations<sup>3</sup>." Similarly, the English traveller Robert Semple, who visited Caracas in October 1810, noted: "The educational system remains as rigid as it was in Spain two centuries ago; a small selection of Latin authors, catechisms, and the lives of saints constitute the primary studies. However, free thought is rapidly spreading among the youth and may later yield significant consequences<sup>4</sup>". Francisco Javier Yáñez, a founding father of Venezuelan independence and a signatory of its first Constitution in 1811, criticized public education as "insufficient and detrimental," lamenting that most inhabitants "knew only the catechism

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<sup>2</sup> De la Serna Nasser, B. (2020). The prohibition of trade between New Spain and Peru in 1634: genesis of a royal decree through the historical conjuncture of the Hispanic monarchy. *Histórica*, 44(1), 41-81.

<sup>3</sup> H. Poudenx y F. Mayer. Memoria. París en 1815. Quoted in, Leal Ildefonso. La Universidad de Caracas en los años de Bolívar. Academia de la Historia. Caracas. 2010.

<sup>4</sup> Semple, Robert, Commentaries on the present state of Caracas including the description of the ción of a journey through La Victoria and Valencia, to Puerto Cabello (Bolet. Acad. Nac. Hist. Caracas, No. 60, Oct-Dec, 1932),

of Father Astete or Ripalda, prayed the rosary, and engaged in external religious practices." He pointed out that the University of Caracas relied on outdated curricula based the scientific content of its teachings "on the Latin grammar of Nebrija, on Aristotelian philosophy, on the Institutes of Justinian illustrated by Vinnius, and on the Curia Philipica, on the Decretals of Gregory IX and his commentator Father Murillo, and on the Theology of Gonet and Father Lárraga"; but that "in the end the criollos became aware of the inadequacy of their education, and tried to make up for it medieval legal texts, and scholastic theology".

Over time, however, creole intellectuals recognized these limitations and sought to compensate by reading foreign works. By the late nineteenth century, Venezuelan historian José Gil Fortoul offered a more nuanced perspective, noting that "the University of Caracas was a bastion of colonial conservatism, and even up to the eve of Independence, a spirit entirely opposed to that of the entire predominated in civilized world".<sup>5</sup>

With independence, academic traditions underwent radical transformation. The newly formed Latin American republics, inspired by liberal and republican ideas, restructured their legal education to reflect the needs of post-colonial societies. According to Fermín Toro Jiménez, the organization of the Venezuelan state that emerged after the break with the Spanish Crown in 1811 was heavily influenced by British political thought: "therefore "The Venezuelan Confederation created in 1811 appears, beyond its formal expression, as the product on the one , handoff a weakened will for self-determination (...) and on the other hand, of a precarious and fragile association of regions or political zones scarcely integrated (...) Furthermore, it emerged on the periphery of Great Britain's

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<sup>5</sup> Gil Fourtoul, quoted by Ildefonso Leal. Ob. Cit.

Caribbean 'empire, deeply influenced by its economic and strategic interests."

This influence of the British model is explained by the historical dynamic itself. Luis Castro Leiva argued that "...by 1810 two Revolutions were already clearly substantivized: the Anglo-American and the French. In turn, the Anglo-American had two routes to their respective opposing pasts. On the one hand, and from Philadelphia, it coveted Thomas Paine's Republic; on the other was the road to London and its peculiar path liberal: the intellectual land monarchy Edmund Burke (...) It was notorious and clear that recourse to this model, using the tension between its two sides, was a consequence of the noxious, terrifying perception of the other way; that is, the French Revolution.<sup>7</sup>

On the other hand, educational reform also played a critical role in shaping independence-era legal thought. According to Miguel Anxo Peña Gonzalez, the knowledge of the time could be defined as the debate between the enlightened absolutism of Carlos III and populism. "Both ideas had a long tradition, in which it was not simply a question of a political confrontation, but the ideology that the underpinned was unfolding in a series of events that took place in those decades. The pro-independence movement had specific contributions that attacked absolutist positions based on classical principles. To a certain extent, it was a recovery of thinking their own. "Every political regime is not of divine revealed or natural right, but of human right and, therefore, legitimately electable by the people".

Thus we find the case of Francis Suárez, so often quoted, who defends that sovereignty lies in the people, a doctrine that he systematizes against James

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<sup>6</sup> Toro Jiménez, Fermin. *Historia Diplomática de Venezuela*. Volumen I. Caracas, 2008.

<sup>7</sup> Castro Leiva, Luis. *Republica Revolución y Terror*. In, Castro Leiva, Luis. *Obras Completas*. Universidad Católica Andrés Bello y Fundación Polar. Caracas, 2005.

I of England; a theory, moreover, is accepted by all the great thinkers of the Spanish theological-legal school, and which, moreover, was not something new, but which introduced its roots in classical argumentation, which went back to political, and which he considered to be of natural law; justifying it later from St. onwards pseudo-Augustinianism Thomas Aquinas with the doctrine of the common good. (...) G. Furlong, in an already classic work, clarify this by stating that "many have taken it for granted that the Church coined, sustained and imposed the doctrine of the divine origin of kings, when in reality this doctrine arose in the bosom of Protestantism, and, although accepted in some Catholic countries by certain people, it was always combated, and in the most form tried to categorical by all the great Catholic theologians".<sup>8</sup>

As Miguel Anxo Peña González noted, the Enlightenment ideals of Carlos III clashed with populist currents, creating a political and intellectual struggle that influenced independence movements. Many revolutionaries, including Francisco Suárez, rejected the divine right of kings, asserting instead that sovereignty resided with the people—an argument grounded in classical and Thomistic thought.

The theological dimension of these debates explains the prominent role of clergy in independence movements. Figures such as Miguel Hidalgo y Costilla (Mexico), José María Morelos y Pavón (Mexico), Camilo Henríquez (Chile), and Manuel José Matos (Venezuela) were instrumental in articulating the ideological foundations of the struggle for self-determination. This debate was not only historical, theoretical or merely political on one side or the other of the Atlantic. The political situation was evolving very rapidly in Europe, especially with the invasion Napoleonic of the Iberian Peninsula and the dynamics itself of the regency, the Constitution of Cadiz and the historical crossroads that would undoubtedly

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<sup>8</sup> Peña González, Miguel Anxo. *Influjo de la «Escuela de Salamanca» en las Independencias Americanas*. Ometeca. Volumen XIII. University of Indiana. 2009.

seal the fate of the Americas, a subject of great length and complexity, which is not the theme of this article.

The autarchic administration of the American colonies was part of the Spanish Crown's vision, which was implemented with the establishment of a trade monopoly system that prohibited direct trade between the American colonies, forcing them to conduct transactions exclusively through Spain. This system was centred on the port of Seville and, later, on Cádiz, from where the flow of goods to and from America was controlled.<sup>9</sup> A specific measure that reinforced this policy was the royal decree issued by King Philip IV in 1634, which totally prohibited trade between the viceroyalties of New Spain and Peru. This provision sought to further centralize and control commercial activities, forcing all trade to be conducted through the metropolis, including especially books and even printing presses, which were of great value for the distribution of knowledge.

This monopoly was maintained until the Bourbon reforms of the 18th century, when measures such as the Free Trade Regulation of 1778, enacted by King Charles III, were implemented, which partially relaxed these restrictions by allowing direct trade between certain Spanish and American ports. However, independence tensions were already in the minds of many young people who had travelled to Europe and even participated in the American Revolution against the British Empire.

Therefore, as the pointed by Francisco Javier Yañez, books were smuggled and knowledge could be distributed in many ways in a society eager for change, where the opportunity historical was provided by the very

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<sup>9</sup> De la Serna Nasser, B. (2020). The prohibition of trade between New Spain and Peru in 1634: genesis of a royal decree through the historical conjuncture of the Hispanic monarchy. *Histórica*, 44(1), 41-81. <https://doi.org/10.18800/historica.202001.002>

European instability of the time It is essential to remember that the break with the Spanish metropolis was framed as a way of America supporting Emperor Ferdinand VII as the legitimate monarch, as opposed to supporting the administration of Jose Bonaparte. For example, “the Junta de Defensa de los Derechos de Fernando VII”, which served as an antecedent to the independence process in Venezuela, as the first example.

The transition from the School of Salamanca to Latin American legal traditions was not marked by complete rupture but by adaptation. While colonial legal thought was deeply rooted in Catholic theology, independence-era jurists integrated secular and liberal principles, crafting a legal system that balanced historical continuity with modern innovation. The Salamanca School’s legacy, particularly in the realm of international law and the right to peace, persisted through Latin America’s evolving diplomatic and legal institutions.

## 2. THE RUPTURE AND TRANSFORMATION OF THE SCHOOL OF SALAMANCA IN AMERICA

The break with the School of Salamanca in the Americas was part of an intellectual process in which the Spanish approach merged with other conjunctural visions, mainly in politics. At the same time, a more secular and pragmatic legal thought developed, focusing on the local realities of Latin American countries as sovereign entities not bound to a monarchical law of divine origin. This process was led by jurists and thinkers such as Simón Bolívar, Andrés Bello, Juan Germán Roscio, and Antonio Nariño, among others, who promoted the construction of legal systems that responded to the needs of the new independent republics. According to Rubiano Muñoz, "the secularization of political thought was key to the



break with the Salamanca school, since the independence leaders sought foundations in rationalism and not in scholasticism<sup>10</sup>."

However, this transformation has not been fully studied to date. The focus has been more on the work of individuals and omnipresent heroes rather than on the intellectual process of a collective that understood the needs of the moment and put forward a proposal for the renewal of international legal thought at a changing juncture. In a period of 30 years, political dynamics shifted from revolution to absolutism and then to enlightened absolutism, which ultimately aimed to re-impose absolutism through colonialism. According to Neumann, "the wars of independence acted as a cultural war that broke with the Catholic foundations of the Salamancan tradition, replacing them with secular models based on the Enlightenment<sup>11</sup>."

A new legal approach in Latin America attempted to adopt a more secular and practical framework, integrating contemporary European texts, such as those of Emer de Vattel and other English jurists. It also promoted the study of international treaties that recognized the independence of Latin American republics as new member states of the international community, as civilized nations. This shift reflected not only a disruption with colonial tradition but also a willingness to integrate into the emerging international system as sovereign actors, on equal footing with the states from which they were breaking away.

Andrés Bello, in his "Principles of International Law" (1832), emphasized the need to adapt the law to the particular circumstances of Latin America, marking a clear distancing from European traditions, though without

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<sup>10</sup> Rubiano Muñoz, R. A. Miguel Antonio Caro and conservative thought in the face of Spanish-American independence. *Opinión Jurídica*, 2010.

<sup>11</sup> Neumann, J. G. Francisco de Vitoria and the Black Legend. *Glossae. European Journal of Legal History*. No. 16. 2019

completely severing ties. Juan Germán Roscio, a prominent Venezuelan author, stressed in his work "El triunfo de la libertad sobre el despotismo" (1817) the necessity of building an independent national legal system based on the principles of equality and popular sovereignty. Similarly, Juan Bautista Alberdi, in his work "Bases and starting points for the political organization of the Argentine Republic" (1852), emphasized the importance of a legal framework to promote economic and social development, drawing influence from English liberalism.

The intellectual journey of Andrés Bello is particularly well-documented. As Liliana Obregón has pointed out, the conceptual evolution of his treatise on international law across its editions in 1832, 1844, and 1864<sup>12</sup> demonstrates this transformation. A crucial factor in this legal shift was the influence of English legal thought, particularly through liberalism and common law. Additionally, the British Empire played a key role in promoting the break with Spanish colonial rule, particularly given its complex relationship with the Spanish Crown under Ferdinand VII.

A significant example of the transformation of the School of Salamanca in America is the Treaty of Regularization of War, signed in 1820 between General Simón Bolívar and General Pablo Morillo. This treaty was a milestone in the history of international law in Latin America, as it established humanitarian principles for the conduct of war, including the dignified treatment of prisoners and the protection of civilians, based on the idea of waging war "as civilized countries do." This indirectly recognized the sovereign statehood of the new Spanish-American republics.

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<sup>12</sup> Obregón Tarazona, Liliana. Construyendo la Región Americana: Andrés Bello y el Derecho Internacional. Revista de Derecho Público. No.24. Universidad de los Andes. Bogotá, 2010.

In this context, Luis Ociel Castaño<sup>13</sup> has conducted a detailed study of the treaties on the laws of war, signed during the wars of independence by Generals Bolívar and Morillo. These treaties adopted a pragmatic and secular approach, focused on constructing an order based on equality between belligerents and mutual recognition of rights. They reflected the influence of liberalism and modern international law, which emphasized the humanization of armed conflict, in contrast to earlier traditions that justified war under theological and moral principles linked to evangelization and "civilization."

The Treaty for the Regularization of War had immediate implications for the struggles for independence and also set a precedent for the development of humanitarian norms in Latin American international law. However, despite its significance, this treaty is often excluded from global studies of international law and the laws of war.

Today, the study of this transition and rupture has been enriched by contributions from legal historians such as Ricardo Salvatore, Tulio Halperin Donghi, and Luis Vitale. Additionally, researchers such as Enrique Dussel and Walter Mignolo have analyzed this process from a decolonial perspective, emphasizing how the autonomy of Latin American legal thought also implied a break with European colonial epistemologies. However, they also acknowledge that Latin American nations sought to maintain a Western vision that would facilitate their integration into the global order.

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<sup>13</sup> Luis Ociel Castaño Zuluaga. Antecedentes del Derecho humanitario bélico en el contexto de la Independencia hispanoamericana (1808-1826). *Journal of Historical and Legal Studies History of Public International Law Section*. XXXIV. Valparaíso, Chile, 2012. pp. 323 – 368.

For instance, Dussel (1995) argues that the construction of an appropriate legal framework in Latin America involved not only a change in theoretical paradigms but also a reinterpretation of legal categories in accordance with the region's social and cultural realities. Likewise, Mignolo (2000) highlights the importance of understanding these ruptures within the broader context of modernity/coloniality. Another significant contribution is that of Aníbal Quijano, who, in his studies on the coloniality of power, pointed to the persistence of colonial structures in the region's legal systems.

It is important to note that this transition was largely successful, as it allowed the new nations of the Americas to maintain the sovereignty, they had won in the independence struggles of the early 19th century, at a particularly turbulent time in global politics.

Between the Congress of Vienna (1814-1815) and the Berlin Conference (1884-1885), Europe experienced a series of conflicts and diplomatic agreements that shaped its political and territorial landscape. These efforts largely aimed at re-establishing the *ancien regime* and had far-reaching consequences worldwide. For example, the Crimean War (1853-1856) pitted the Russian Empire against a coalition of the Ottoman Empire, France, the United Kingdom, and Sardinia, culminating in the Treaty of Paris in 1856, which altered the balance of power in Europe.

Several international conferences were held to address territorial and power balance issues. The Berlin Congress of 1878, convened by Otto von Bismarck, brought together major European powers to reorganize the Balkans after the Russo-Turkish War (1877-1878). This congress sought to maintain European stability and prevent major conflicts by readjusting borders and recognizing the independence of new states in the region.

This situation was not limited to diplomatic agreements alone. For example, the Holy Alliance, formed in 1815 by Austria, Prussia, and Russia, aimed to preserve monarchical order in Europe and maintain influence overseas. In the context of Latin American independence movements, the alliance

considered intervening to restore Spanish control. However, opposition from the United Kingdom and the proclamation of the Monroe Doctrine in 1823 for the United States thwarted these attempts.<sup>14</sup>

Thus, Latin America's development of its own School of International Law provided a platform to gain recognition as part of the concert of civilized nations. This was achieved without surrendering its own worldview but rather by integrating historical legacies from Spanish rule along with contemporary French and British influences that shaped the transition to independence.

### 3. THE QUEST FOR PEACE IN THE FRAMEWORK OF THE NEW AMERICAN LAW

The new law emerging from the transition from the colonial model and the new republics was born at a time of great turbulence. Less than two decades earlier, two great revolutions had occurred—the American Revolution in the United States and the French Revolution—producing a change in the basis of international relations, but above all in the way citizens interrelated with their environment, with themselves, with society, and with power.

For Spanish-Americans, the French Revolution had given birth to a man like Napoleon, who, while allowing the political transition to develop in America, had imposed a new empire, no less absolutist than the Bourbon one that preceded him. Simón Bolívar, who claimed to have been present at Napoleon's coronation in 1804, famously said, "The crown Napoleon put on his head I looked upon as a thing wretched<sup>15</sup>." In the case of the

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<sup>14</sup> Schroeder, P. W. *The Transformation of European Politics, 1763-1848*. Oxford University Press. 1994.

<sup>15</sup> Peru de Lacroix. *Diario de Bucaramanga. Vida Pública del Libertador Simon Bolivar*. Caracas, 1983.

American provinces, the American Revolution seemed an appropriate model, but at first glance, for the Latin American precursors, it was too closed in on their own reality and their own experimental democracy.

Founding fathers like Francisco de Miranda, Antonio Nariño, and Simón Bolívar gave the independence movement a more universal and ambitious vision. At a very early stage in the process, in 1815, Simón Bolívar sketched out a vision of how the new states should behave in their external relations, proposing the idea of a Congress Amphictyonic, which was finally convened in 1826 in Panama City. In the instructions he sent to the plenipotentiaries who went to present the idea to the governments of Mexico, Peru, Chile, and Buenos Aires, he stated:

"But I repeat to you, that of what I have stated, nothing is of so much interest at this time as the formation of a truly American league. But this conference must not be formed merely on the principles of an ordinary alliance for offense and defence; it must be much closer than those which have lately been formed in Europe against the liberties of the peoples. Ours must be a Society of sister Nations, separated for the present in the exercise of their sovereignty by the course of human events, but united, strong and powerful, to sustain themselves against the aggressions of foreign power. It is indispensable that you should strongly emphasize the necessity of laying the foundations of a Body of an Amphictyonic or Assembly of Plenipotentiaries, to settle the discords which may arise in the future between peoples who have the same customs and the same habits, and who, for want of such a holy institution, may perhaps ignite the disastrous wars which have desolated other less fortunate regions<sup>16</sup>."

In Bolívar's vision, his proposal was clearly structured, grounded in a solid background in international law, and influenced by a well-established

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<sup>16</sup> Plana Suarez, Simon. *El ideal internacional de Bolivar*. Lisboa, 1918. Compiled in, Villaba Villaba, Luis. *El Libertado, Sucre y Bello y la no Intervención*. Caracas 1976.

tradition. Several key elements in his instructions demonstrate the basis of his doctrine: An alliance not merely for war or for military cooperation, but for peacebuilding.

An assembly of sister nations, each exercising its sovereignty independently. An entity with the capacity to settle disputes. The influence of the thought of Francisco de Vitoria and the School of Salamanca can be perceived in these elements, which can be summarized as follows:

- Right of self-determination: Vitoria argued that communities had the right to govern themselves without foreign impositions. This principle was key in the independence of America and in the break with the monarchy, which was justified as the destiny of a divine and celestial right.
- International order based on justice: Vittorio Vitorino's conception of a "law of nations" inspired by moral and legal principles influenced the vision of a system of cooperation between free and equal states.
- Universalism of law: Vitoria proposed a global normative framework applicable to all nations, an idea that Bolívar took up when he called on the independent republics of America to establish treaties and common rules in defence of their sovereignty. This audacity in the creation of new institutions—novel in the international concert for independent, non-European nations that hoped to govern themselves with "democratic" models—was an intellectual exercise that separated Hispanic America from the Spanish Crown while maintaining a link to Western knowledge and vision, largely represented by the values of the School of Salamanca.

Liliana Obregón points out that "with the birth of the new American nations, the criollos appropriated the civilizing discourse in order not to be excluded from the rights assigned (by Europe) to the members of the so-

called 'community of civilized nations.'" The desire for civilization, as one of the ideals shared within Creole juridical consciousness, allowed for new legal constructions that appeared in constitutions and laws, prioritizing economic, religious, educational policies, and social control that sought to "improve" the existing 'civilisation' (Pearce, 1965; Ribeiro, 1977; Rojas, 2001)".<sup>17</sup>

Obregón further analyses the conceptual rigor of Andrés Bello's thought on key elements of contemporary international law, particularly the issue of sources. "However, before the nineteenth century, writers who argued that the normativity of law derived from will God's or from natural reason did not develop a separate doctrine of sources (Kennedy, 1986; Koskenniemi, 1989: 264). Subsequently, when naturalistic explanations were not sufficient. Although international law historian Martti Koskenniemi credits Englishman Henry with Wheaton being the first to include a discussion separate of sources in his 1836 book (Koskenniemi, 1989: 99 n.222), four years earlier, in 1832, Andrés Bello devoted a section of his book to the "Sources in which is found [international law] " (Bello, 1832: 9). Bello and Wheaton thus Bello's work anticipated the discussion and doctrinal production on legal sources that gained traction when positivism became dominant at the end of the nineteenth century. His approach aimed to provide an organized and accessible system of international law that could be learned and applied effectively by students, lawyers, and diplomats. The goal was to reduce inequality between states and increase civilization in the region"<sup>18</sup>

Her research, confirms Andrés Bello's pioneering role in the development of international law as we know it today. It should be pointed out that the objective of this use of sources in Bello's conception according to Obregón:

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<sup>17</sup> Obregon, Liliana. Ob. Cit.

<sup>18</sup> Ob Cit.



"training lawyers and diplomats in the use of the law of nations as the basis for civilization, which in the first decades of the 19th century" referred to the recognition of a legitimate sovereign government, separate from the monarchy and the development of the national project in peace and with the absence of conflict from the former colonial metropolises. For her, Bello's contribution to international law was fundamentally practical, a tool to strengthen the process of national independence. His "Creole consciousness" allowed him to present himself as both an heir to Western intellectual traditions and a critic of their inconsistencies<sup>19</sup>. His denunciation of "non-uniformity in doctrines" anticipated the problem of double standards in international relations between central and peripheral countries two centuries in advance, a concern still relevant today.

Writers like Bello nurtured the idea of the construction of a "doctrine" of their own, which would allow the creation of national states, separate from the colonial metropolis, but without this representing a separation from Western culture, a second-tier place in the concert international, non-limiting the rights of participation in the world concert, as requested Bolívar for the Congress Amphictyonic and the self-determination of peoples in the broadest tradition of Vitoria and the School of Salamanca. In a broader discussion of peace, Andrés Bello stated, "...that peace is the natural state of man; and that if he undertakes war, it is to obtain a secure peace, his only legitimate end and objective." This interpretation, grounded in the classical texts of the School of Salamanca, clearly rejected the colonial model being imposed by European powers on the rest of the world.<sup>20</sup>

The consolidation of the Latin American school of international law can be seen in two key successes: the preservation of territorial unity among

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<sup>19</sup> Ob. Cit.

<sup>20</sup> Bello Andres. Obras Completas. Derecho Internacional II. Tomo IX. Caracas, 1981. p. 193.

American nations and their participation in international. The territorial unity of the Americas, inherited from the old divisions of the Spanish Crown, was maintained based on respect for the colonial division. Borders were maintained through institutions of international law, such as the well-known principle of *Uti Possidetis Iuris* which is recognized as a contribution of Latin American law. The exceptions in this case have to do with the European imperial, after the apogee of the partition of Africa at the Congress of Berlin, to extend new borders colonizable in America, in cases such as Esequiba Guiana and British Honduras, against Venezuela and Honduras at the end of the 19th century, and the survival of the former Spanish colonies, Cuba and Puerto Rico, which would be resolved in conflicts military and negotiations between the metropolitan capital and the United States, under equal political conditions for the international law that prevailed at the time.

Nevertheless, the diplomatic participation of the countries of the continent can be seen in several ways. Firstly, the interest of the American nations to participate in the global debate. However, King Ferdinand VII blocked the final recognition of the American nations for many years, until in 1845, when Spain finally recognized Venezuela as a sovereign subject of international relations, years after his succession as King. Secondly, countries in the hemisphere organized regional conferences to strengthen their own ties, as the following examples illustrate:

- Congress of Panama (1826): With the participation of delegates from Gran Colombia, Mexico, Peru and the Federal Republic of Central America.
- American Congress of Lima (1864-1865): Convened to consolidate a regional position in the face of European and US interventions in the region. Countries such as Bolivia, Chile, Ecuador, Peru and Venezuela participated.

- International Meridian Conference (1884): Held in Washington D.C., this conference aimed to establish a meridian common zero and a universal time standard. Twenty-six countries participated, including the United States, Brazil, Chile, Colombia, Costa Rica, the Dominican Republic, El Salvador, Guatemala, Mexico, Paraguay, the United States, and Venezuela, representing the Americas.
- From this conference onwards, the Inter-American Conferences began to develop as a major forerunner of regional diplomacy in the global context, on the following occasions: First International Conference American - 1889-1890, Washington, D.C. Second International Conference of American States - 1901-1902, Mexico City, Mexico; Third International Conference of American States - 1906, Rio de Janeiro, Brazil; Fourth International Conference of American States - 1910, Buenos Aires, Argentina; Fifth International Conference of American States - 1923, Santiago, Chile; Sixth International American Conference - 1928, Havana, Cuba; Seventh International American Conference - 1933, Montevideo, Uruguay, where the was signed Convention on the Rights and Duties of States ; Eighth International American Conference - 1938, Lima, Peru; Ninth International American Conference - 1948, Bogotá, Colombia, where the Charter was adopted Homonymous establishing the Organization of American States (OAS) .

The participation of American countries in the Conference Berlin in 1884-1885, attended by the United States, and in the Conference Versailles, attended by the following American countries: United States, Represented by President Woodrow Wilson, who promoted the creation of the League of Nations; Brazil, the only South American country that sent troops to the war and participated in the conference, obtaining diplomatic recognition in

the post-war period; Argentina, invited, but decided not to sign the Treaty of Versailles due to disagreements with some of its provisions, Cuba, participated as one of the allied nations, although its role was minor in the negotiations; Guatemala, attended as part of the countries that declared war on Germany; Honduras - was another Central American country that sent representatives after declaring war on the Central Powers; Panama, invited because of its declaration of war on Germany, although its participation was limited; Peru - although it declared war on Germany in 1918, its role in the conference was marginal<sup>21</sup>

These elements mentioned above make clear the rupture that this meant for the law of the Americas, compared to the evolution that absolutism would mark in the peninsula and the new evolution of the independent countries. This crisis would be so profound in post-independence Spain that it would be plunged into serious internal conflicts that would lead to the loss of the colonies of Cuba and the Philippines in a war against the United States.

As an even interesting, in 1845 Andrés Bello denounced the publication of a book by José María Pando, which was anecdote plagiarism of his 1832 work, with the title "Elementos de Derecho Internacional" and which, in Bello's words, "...almost we could give the Spanish publication the title of a new edition of the Chilean work, albeit with interesting interpolations and instructive notes. Don José María de Pando has had no qualms about copying almost all of it, or with slight verbal modifications, which often consist only of inserting an impassioned epithet or transposing the words".<sup>22</sup> This denunciation of a man born in Peru in 1787 and who was Secretary of State and of the Spanish State Office in 1823 under King Ferdinand VII and

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<sup>21</sup> MacMillan, M. (2001). Paris 1919: Six Months That Changed the World. Random House.  
<sup>22</sup> Bello Andrés (1845) El Araucano, N. 9 784 of 29 August 1845. In, Bello Andrés, Ob. Cit.

then in 1834, is a sample of the state of development of the institutions of international law on the other side of the Atlantic.

#### 4. CONCLUSION

Latin American legal thought emerged through the intersection of European traditions and local realities. The rupture from the School of Salamanca, while influenced by English, French and other global currents, reflects an ongoing dialogue between adaptation and resistance. Bolívar and Bello, among others, sought to craft legal frameworks that continues to be the subject of analysis and debate, setting a foundation for contemporary international law in the Americas. Their contributions, grounded in justice and historical studies, continue to shape the legal and political landscape of law in Latin America and globally.

The influence of the School of Salamanca on the development of American international law is evident in both theory and practice. It helped shape a legal framework distinct from the colonial Spanish system of the time, which was grappling with its own crises. The Christian approach to thought emphasized international peace and stability. This influence is seen in how American international law sought to limit war, foster regional diplomacy, and build consensus on issues relevant to the region. At the same time, it worked to establish a place for the new republics within the community of civilized nations, without compromising its identity as republican societies.

It is important to continue a deep analysis of the Latin American school of international law against its own origins but also in comparison with other global interpretations of international law. The Latin American voice was and still today a genuine voice on the concert of nations that embrace the occidental origin of their institutions but in a modern and contemporary approach, even today.

Francisco de Vitoria articulated *three golden rules of war*: before it, to exhaust all means for peace; during it, to wage war without hatred and solely in pursuit of justice; and after it, to exercise victory with restraint.<sup>23</sup> This principle, drawn from the teachings of the School of Salamanca—whose scholars shaped legal thought daily—resonates deeply with the foundations of American law. It reflects the school's enduring influence in promoting peace as a defining value of civilized nations.

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<sup>23</sup> Ramon Hernandez. Vitoria y los Derechos Humanos. Dominican Library Collection. Editorial San Esteban. Salamanca. 1984. Pag 241 y s.s.