# DECLARATION OF INTERNATIONAL NAVAL CONFERENCE; 63D CONGRESS, 2D SESSION, DOCUMENT NO. 563

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Declaration of International Naval Conference; 63d Congress, 2d Session, Document No. 563 by Various

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# **VARIOUS**

# DECLARATION OF INTERNATIONAL NAVAL CONFERENCE; 63D CONGRESS, 2D SESSION, DOCUMENT NO. 563



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# DECLARATION OF INTERNATIONAL NAVAL CONFERENCE

SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE INTERNATIONAL NAVAL CON-FERENCE HELD AT LONDON, ENGLAND, FROM DECEMBER 4, 1908, TO FEBRUARY 26, 1909

TOGETHER WITH AN

OPINION OF HON. CONE JOHNSON, SOLICITOR FOR THE STATE DEPARTMENT, RELATIVE TO THE TRANSFER OF MERCHANT SHIPS DURING WAR



PRESENTED BY MR. O'GORMAN AND MR. SIMMONS AUGUST 11, 1914.—Ordered to be printed

> WASHINGTON GOVERNMENT PRINTING OFFICE 1914

### Executive A. Sixty-first Congress, first session.

### MESSAGE

FROM THE

# PRESIDENT OF THE UNITED STATES,

TRANSMITTING

THE DECLARATION SIGNED BY THE DELEGATES OF THE UNITED STATES TO THE INTERNATIONAL NAVAL CONFERENCE, HRLD AT LONDON, ENGLAND, FROM DECEMBER 4, 1908, TO FEBBUARY 26, 1909.

APRIL 21, 1909.—Read; convention read the first time and referred to the Committee on Foreign Relations and, together with the message and accompanying papers, ordered to be printed in confidence for the use of the Senate.

DECEMBER 13, 1909.—Injunction of secrecy removed.

APRIL 28, 1911.—Recommitted.

To the Senate:

I transmit, with a view to receiving the advice and consent of the Senate to ratification, the declaration signed by the delegates of the United States to the International Naval Conference, held at London, England, from December 4, 1908, to February 26, 1909, together with a report by the Secretary of State and other accompanying papers.

WM. H. TAFT.

THE WHITE HOUSE, April 21, 1909.

#### The PRESIDENT:

I have the honor to submit for your consideration and for transmission to the Senate, should you deem it proper, with a view to obtaining the advice and consent of that body to ratification, an authenticated copy of the declaration concerning laws of naval warfare, signed on February 26, 1909, by the delegates of the United States and other powers to the International Naval Conference, held at London, England, from December 4, 1908, to February 26, 1909, together with an official interpretation of such declaration by the committee which drafted it.

I further submit for the information of the Senate a copy of the final protocol of the conference, and the following documents, as relevant and material to the consideration of the declaration:

 The programme of the conference as outlined in the note dated March 27, 1908, from the British embassy to the Department of State, inviting the participation of the United States in the conference;

The instructions to the American delegates; and
 The report by the American delegates of the proceedings of the conference and their participation therein.

Respectfully submitted.

P. C. KNOX.

DEPARTMENT OF STATE, Washington, April 12, 1909.

### [Translation.]

[The Declaration was signed in the French Language only.]

- 1 DECLARATION CONCERNING THE LAWS OF NAVAL
- WARFARE.

  HIS Majesty the German Emperor, King of Prussia; the Presi
  - dent of the United States of America; His Majesty the Emperor
  - of Austria, King of Bohemia, &c., and Apostolic King of Hun-
  - of Austria, King of Bohemia, &c., and Apostolic King of Hun-
  - gary; His Majesty the King of Spain; the President of the French Republic; His Majesty the King of the United Kingdom of Great
- 8 Britain and Ireland and of the British Dominions beyond the 9 Seas, Emperor of India; His Majesty the King of Italy; His
- 10 Majesty the Emperor of Japan; Her Majesty the Queen of the
- 11 Netherlands; His Majesty the Emperor of All the Russias.
- 12 Having regard to the terms in which the British Government
- 13 invited various Powers to meet in conference in order to arrive
- 14 at an agreement as to what are the generally recognized rules of 15 international law within the meaning of Article 7 of the Con-
- 16 vention of 18th October, 1907, relative to the establishment of 17 an International Prize Court;
- 18 Recognizing all the advantages which an agreement as to the
- 19 said rules would, in the unfortunate event of a naval war, pre-20 sent, both as regards peaceful commerce, and as regards the
- 21 belligerents and their diplomatic relations with neutral Gov-
- 22 ernments; 23 Having regard to the divergence often found in the methods
- 24 by which it is sought to apply in practice the general principles 25 of international law;
- Animated by the desire to insure henceforward a greater meas-
- 27 ure of uniformity in this respect;

- 1 Hoping that a work so important to the common welfare will 2 meet with general approval;
- 3 Have appointed as their Plenipotentiaries, that is to say:
- 4 His Majesty the German Emperor, King of Prussia:
- 5 M. Kriege, Privy Councillor of Legation and Legal Adviser to
- 6 the Department for Foreign Affairs, Member of the Permanent
- 7 Court of Arbitration.
- The President of the United States of America:
   Rear-Admiral Charles H. Stockton, retired;
- 10 Mr. George Grafton Wilson, Professor at Brown University
- 11 and Lecturer on International Law at the Naval War College
- and at Harvard University.
   His Majesty the Emperor of Austria, King of Bohemia, &c.,
- 14 and Apostolic King of Hungary:
- 15 His Excellency M. Constantin Thoédore Dumba, Privy Coun-16 cillor of His Imperial and Royal Apostolic Majesty, Envoy
- 17 Extraordinary and Minister Plenipotentiary.
- His Majesty the King of Spain:
   M. Gabriel Maura y Gamazo, Count de la Mortera, Member of
- 20 Parliament.
- 21 The President of the French Republic:
  22 M. Louis Repault, Professor of the Faculty of Law:
- M. Louis Renault, Professor of the Faculty of Law at Paris,
   Honorary Minister Plenipotentiary, Legal Adviser to the Min-
- 24 istry of Foreign Affairs, Member of the Institute of France,
- 25 Member of the Permanent Court of Arbitration.
- 26 His Majesty the King of the United Kingdom of Great Britain 27 and Ireland, and of the British Dominions beyond the Seas,
- 28 Emperor of India;
  29 The Earl of Desart, K. C. B., King's Proctor.
- The Earl of Desart, K. C. B., King's Proctor 30 His Majesty the King of Italy:
- 31 M. Guido Fusinato, Councillor of State, Member of Parliament,
- 32 ex-Minister of Public Instruction, Member of the Permanent 33 Court of Arbitration.
- 34 His Majesty the Emperor of Japan:
- Baron Toshiatsu Sakamoto, Vice-Admiral, Head of the Depart ment of Naval Instruction.
- 37 M. Enjiro Yamaza, Councillor of the Imperial Embassy at
- 37 M. Enjiro Yamaza, Councillor of the Imperial Embassy at 38 London.

## DECLARATION OF INTERNATIONAL NAVAL CONFERENCE.

Her Majesty the Queen of the Netherlands:

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- 2 His Excellency Jonkheer J. A. Roell, Aide-de-Camp to Her
- 3 Majesty the Queen in Extraordinary Service, Vice-Admiral 4 retired, ex-Minister of Marine.
- 5 Jonkheer L. H. Ruyssensers, Envoy Extraordinary and
- 6 Minister Plenipotentiary, ex-Secretary-General of the Perma-7 ment Court of Arbitration.
- 8 His Majesty the Emperor of all the Russias:
- 9 Baron Taube, Doctor of Laws, Councillor to the Imperial
- 10 Ministry of Foreign Affairs, Professor of International Law at 11 the University of St. Petersburgh.
- Who, after having communicated their full powers, found to 13 be in good and due form, have agreed to make the present
- 14 Declaration:

  15 Preliminary Provision.
- 16 The Signatory Powers are agreed that the rules contained in
- 17 the following Chapters correspond in substance with the gen-18 erally recognized principles of international law.
- 19 Chapter I. Blockade in time of war.
- 20 ARTICLE 1.
- 21 A blockade must not extend beyond the ports and coasts
- 22 belonging to or occupied by the enemy.
- 23 ARTICLE 2.
- 24 In accordance with the Declaration of Paris of 1856, a block25 ade, in order to be binding, must be effective,—that is to say,
- 26 it must be maintained by a force sufficient really to prevent 27 access to the enemy coastline.
- 28 ARTICLE 3.
- 29 The question whether a blockade is effective is a question of 30 fact.
- 30 fact.
  31 ARTICLE 4.
- A blockade is not regarded as raised if the blockading force
   is temporarily withdrawn on account of stress of weather.
- 34 Arricle 5.
- 35 A blockade must be applied impartially to the ships of all 36 nations.
- 37 ARTICLE 6.
  38 The Commander of a blockading force may give permission

to a warship to enter, and subsequently to leave, a blockaded port. ARTICLE 7.

In circumstances of distress, acknowledged by an officer of the blockading force, a neutral vessel may enter a place under 5 blockade and subsequently leave it, provided that she has

neither discharged nor shipped any cargo there. ARTICLE 8.

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A blockade, in order to be binding, must be declared in accordance with Article 9, and notified in accordance with Articles 11 10 and 16.

12 ARTICLE 9. 18 A declaration of blockade is made either by the blockading

15 It specifies-16 (1) The date when the blockade begins;

Power or by the naval authorities acting in its name.

17 The geographical limits of the coastline under blockade; 18 (8) The period within which neutral vessels may come out.

19 ARTICLE 10. 20

If the operations of the blockading Power, or of the naval authorities acting in its name, do not tally with the particulars,

which, in accordance with Article 9 (1) and (2), must be inserted 23 in the declaration of blockade, the declaration is void, and a new declaration is necessary in order to make the blockade 24 25 operative.

26 ARTICLE 11. 27 A declaration of blockade is notified—

(1) To neutral Powers, by the blocksding Power by means

28 29 of a communication addressed to the Governments direct, or to their representatives accredited to it;

(2) To the local authorities, by the officer commanding the 31 82 blocksding force. The local authorities will, in turn, inform 33 the foreign consular officers at the port or on the coastline under blockade as soon as possible. 34

35 ARTICLE 12.

86 The rules as to declaration and notification of blockade apply 87 to cases where the limits of a blockade are extended, or where a blockade is re-established after having been raised.

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. 1 ABTICLE 13. The voluntary raising of a blockade, as also any restriction in 2 8 the limits of a blockade, must be notified in the manner prescribed by Article 11. ARTICLE 14.

6 The liability of a neutral vessel to capture for breach of block-7 ade is contingent on her knowledge, actual or presumptive, of the blockade.

ARTICLE 15.

10 Failing proof to the contrary, knowledge of the blockade is presumed if the vessel left a neutral port subsequently to the 11 notification of the blockade to the Power to which such port belongs, provided that such notification was made in sufficient 14 time.

ARTICLE 16.

15 16 If a vessel approaching a blockaded port has no knowledge, 17 actual or presumptive, of the blockade, the notification must be made to the vessel itself by an officer of one of the ships of the blockading force. This notification should be entered in the vessel's logbook, and must state the day and hour, and the geographical position of the vessel at the time. 21

22 If, through the negligence of the officer commanding the blockading force, no declaration of blockade has been notified to 23 the local authorities, or, if in the declaration, as notified, no 24 period has been mentioned within which neutral vessels may 25 26 come out, a neutral vessel coming out of the blockaded port must be allowed to pass free. 27

ARTICLE 17.

Neutral vessels may not be captured for breach of blockade except within the area of operations of the warships detailed to render the blockade effective.

ARTICLE 18.

The blockeding forces must not bar access to neutral ports or coasts.

ARTICLE 19.

Whatever may be the ulterior destination of a vessel or of her cargo, she cannot be captured for breach of blockade, if, at the moment, she is on her way to a non-blockaded port.