INTERNATIONAL LAW TOPICS. THE DECLARATION OF LONDON OF FEBRUARY 26, 1909

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NAVAL WAR COLLEGE

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The Declaration of London of February 26, 1909

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PREFACE.

On the invitation of Great Britain an International Naval Conference assembled at London, December 4, 1908, and signed the Declaration concerning the Laws of Naval War on February 26, 1909. This Declaration was the topic for consideration of the conference of the officers at the Naval War College during the past summer.

The delegates of the United States at the London Conference were Rear-Admiral C. H. Stockton, formerly president of the Naval War College, and Prof. George Grafton Wilson, of Brown University, lecturer on international law at the Naval War College. Professor Wilson presented, as fully as time allowed, to the officers of the conference at the Naval War College the main points of the Declaration of London and the reasons for the adoption of the Declaration by the representatives of the ten naval powers sending delegates to the London Conference.

The president of the college invites suggestions from officers of the service as to cases which may arise under the provisions of the Declaration of London.

JNO. P. MERRELL,
Rear-Admiral, U. S. Navy, President.

NAVAL WAR COLLEGE,
Newport, R. I., September 28, 1909.

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INTRODUCTION.

At this time, June, 1909, the period for the ratification of the Declaration of London has not expired. It is also not certain that the Declaration will be ratified. It may be said, however, that even if the Declaration should not be ratified, that it will naturally have a great influence upon maritime international law, being an agreement reached after extended consideration by delegates appointed for the specific purpose by the leading naval powers. In cases which might come to the court at The Hague for decision great weight would be given to this Declaration because it indicates the basis of an agreement between representative powers having differing legal systems. In case of war a state might with propriety issue for the government of vessels of its naval forces regulations which should accord with the provisions of the Declaration of London. More than one-third of the delegates at the London Naval Conference which drew up the Declaration of London were naval officers of experience, one-half of these being of the grade of admiral. The military aspects of the subjects presented to the London Conference were given full consideration, as is shown in the proceedings of the Conference. (British Parliamentary Papers, Miscellaneous, No. 5 (1909) [Cd. 4555]).

It is considered that it will be most useful to the navy of the United States to furnish the general report of the Conference, the French text of which is the official inter-

pretation of the Declaration of London, together with the Declaration itself and certain documents relating to the Conference.

[NOTE.—The names of all delegates will be found on p. 162.]

THE CALL FOR THE CONFERENCE.

Sir Edward Grey to His Majesty's representatives at Berlin, Madrid, Paris, Rome, St. Petersburgh, Tokio, Vienna, and Washington.[a]

FOREIGN OFFICE, *February 27, 1908.*

SIR: The convention for the establishment of an international court of appeal in matters of prize which formed Annex 12 to the Final Act of the Second Peace Conference has been under the consideration of His Majesty's Government.

2. Article 7 of the convention provides that, in the absence of treaty stipulations applicable to the case, the court is to decide the appeals that come before it, in accordance with the rules of international law, or if no generally recognized rules exist, in accordance with the general principles of justice and equity.

3. The discussions which took place at The Hague during the recent conference showed that on various questions connected with maritime war divergent views and practices prevailed among the nations of the world. Upon some of these subjects an agreement was reached, but on others it was not found possible, within the period for which the conference assembled, to arrive at an understanding. The impression was gained that the establishment of the international prize court would not meet with general acceptance so long as vagueness and uncertainty exist as to the principles which the court, in dealing with appeals brought before it, would apply to questions of far-reaching importance affecting naval policy and practice.

[a] With the concurrence of all the Powers invited to the conference, the invitation was subsequently extended to the Netherlands Government.